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ACTS OF ASSEMBLY

FOR THE GOVERNMENT OF

THE CITY OF RALEIGH.

ORDINANCE,

*For fixing the seat of Government of North Carolina.* 1787.

[Extract from the Journal of the House of Commons, Thursday, December 6, 1787.]

*Resolved,* That it be recommended to the people of this State, to authorize and direct their respective representatives, to be elected for the purpose of deliberating on the federal constitution, to fix on the place for holding the future meetings of the General Assembly, and the place of residence of the chief officers of the State; which, when fixed, shall be considered the unalterable seat of government for this State.

By a Convention of delegates of the people of North Carolina, elected pursuant to a recommendation of the General Assembly of the said State, and assembled at the town of Hillsborough, on the twenty-first day of July, in the year one thousand seven hundred and eighty-eight. 1788.

*An Ordinance for establishing a place for holding the future meetings of the General Assembly, and a place of residence of the chief officers of the State.*

389844

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Political Science Research Mun. Docs. 30 Nov 17 Atlantic Law Bk Co.

## ACTS OF ASSEMBLY FOR THE

WHEREAS, In pursuance of a recommendation of the General Assembly, passed on the sixth day of December, one thousand seven hundred and eighty-seven, this Convention hath been elected by such of the inhabitants of this State as are entitled to vote for representatives of the House of Commons, for the purpose (together with that of deliberating and determining on the new Constitution of the Government of the United States of America, proposed by the late Federal Convention) of fixing on the place for holding the future meetings of the General Assembly, and the place of residence of the chief officers of the State, which place, when fixed, is to be considered the unalterable seat of Government for this State: And whereas this Convention, previous to their voting for any place for the above purposes, did pass a resolution, in the words following, viz: “*Resolved*, That this Convention will not fix the government at any one particular point, but that it shall be left at the discretion of the Assembly to ascertain the exact spot: *Provided always*, That it shall be within ten miles of the point or place determined on by this Convention:” And whereas, upon a ballot being taken, pursuant to a resolve of this Convention, a majority of the said Convention voted for the plantation whereon Isaac Hunter now resides, in the county of Wake, as the place at which, or within ten miles of which, a place for the above purposes should be fixed on by the General Assembly, agreeable to the above resolution:

*Be it therefore Ordained by this Convention, on behalf of the people of the State of North Carolina, and it is hereby Ordained by the authority of the same*, That the said plantation, whereon the said Isaac Hunter now resides, or such place as the General Assembly shall fix upon within ten miles of the said plantation, pursuant to the true intent and meaning of the above recited resolution of this Convention, shall be the place for holding the future meetings of the General Assembly, and the place of residence of the chief officers of the State, and the unalterable seat of government

Seat of gov-  
ernment fix-  
ed.



of this State, except by the authority of the people in Convention met for the said purpose: *Provided always*, That until convenient buildings can be erected on the said place for the said purposes, it shall be in the power of the General Assembly, from time to time, to appoint any other place or places for the meeting of the General Assembly, and for the residence of the chief officers of the State; anything in this Ordinance to the contrary notwithstanding.

Ratified in Convention, the fourth day }  
of August, Anno Domini, 1788. }

SAMUEL JOHNSON, *President*,

By Order:

J. HUNT, *Secretary*.

---

*An Act to carry into effect the Ordinance of the Convention held at Hillsborough, in July, one thousand seven hundred and eighty-eight, entitled, "An Ordinance for establishing a place for holding the future meetings of the General Assembly, and the place of residence of the chief officers of the State."*

1791.

[The whole of this act but the following section has had its effect.]

*And be it further enacted, &c.*, That the place which the said commissioners, or a majority of them, shall so determine on, shall be the seat of government, and the unalterable place of holding the future assemblies of this State, and the place of residence of the chief officers of the State, agreeable to the true intent and meaning of the recommendation of the General Assembly, and the ordinance of the Convention hercinbefore mentioned: *Provided always*, That until convenient buildings can be erected on the said place for the purposes aforesaid, the General Assembly from time to time shall have power to appoint any other

The place so fixed to be the unalterable seat of government, etc.

place or places for the meeting of the General Assembly, and for the residence of the chief officers of the State, notwithstanding this law.

---

1792. *An Act to confirm the proceedings of the Commissioners, appointed under an act at the last General Assembly, entitled "An Act to carry into effect the Ordinance of the Convention held at Hillsboro', July 1788, entitled an Ordinance for establishing a place for holding the future meetings of the General Assembly, and the place of residence of the Chief Officers of the State."*

WHEREAS, a majority of the Commissioners, appointed by the General Assembly under the above recited act, to wit: Frederick Hargett, Willie Jones, Joseph McDowell, Thomas Blount, William Johnston Dawson and James Martin, Esqs., in pursuance of the powers and authorities in them vested, did, on the fourth Monday of April last, purchase of Joel Lane, Esq., one thousand acres of land for the use of the public, as appears by a deed from the said Joel Lane to Alexander Martin, Esq., Governor for the time being, for the use of the State, bearing date the fifth day of April, one thousand seven hundred and ninety-two, adjoining the tract whereon the said Joel Lane now lives, at Wake County Court House, and have caused to be laid off thereon the plan of a city containing four hundred acres of land, and comprehending, besides streets, two hundred and seventy-six lots of one acre each; which plan, together with their proceedings at large, they have reported to this General Assembly:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all and singular the proceedings of the said Commissioners relative to the premises, be, and*

Proceedings  
of the Com-  
missioners  
ratified.



the same are hereby, recognized, confirmed and ratified, fully and completely, to all intents and purposes.

II. *And be it further enacted by the authority aforesaid,* That the plan of the city so laid off, and reported to the present General Assembly by the Commissioners aforesaid, shall be, and the same is hereby, received, confirmed and ratified, by the name of the city of Raleigh; and the several streets represented in the plan, and the public square whereon the State House is to be built, shall be called and forever known by the names given to them respectively by the commissioners aforesaid; which plan, together with the deed for the land purchased, with a plat thereof annexed, shall be forthwith recorded in the Secretary's office.

The plan, etc  
of the city ra-  
tified.

III. *And be it further enacted by the authority aforesaid,* That the public square composed of number two hundred forty-six, two hundred forty-seven, two hundred sixty-two and two hundred sixty-three, shall be called and known by the name of Caswell square; that the public square composed of lots number two hundred thirty-eight, two hundred thirty-nine, two hundred fifty-four, and two hundred fifty-five, shall be called and known by the name of Burke square; that the public square composed of lots number one hundred eighteen, one hundred nineteen, one hundred thirty-four and one hundred thirty-five, shall be called and known by the name of Nash square; and that the public square composed of lots number one hundred ten, one hundred eleven, one hundred twenty-six and one hundred twenty-seven, shall be called and known by the name of Moore square.

Names of the  
pub. squares

IV. *And be it further enacted by the authority aforesaid,* That as soon as the State House now building on Union square in the said city of Raleigh is fit for the reception of the General Assembly, they shall adjourn to that place; from which time, all the chief officers of the State, viz: the Treasurer, Secretary of State and Comptroller, shall hold their respective offices in the city of Raleigh, which shall be thence forward held, deemed and considered the

When the  
State House  
is complete,  
the Legisla-  
ture to meet  
there, etc,

permanent and unalterable seat of the Government of the State of North Carolina, and the place of residence of the chief officers of the State, any law or laws to the contrary notwithstanding.

Read three times and  
 ratified in General  
 Assembly, this 31st  
 day of Sept. 1792. } WILLIAM I. ENOIR, S. S.  
 STEPHEN CABARRUS, S. H. C.

Copy :

J. GLASGOW, Secretary:

1794. *An Act to amend an act, entitled "An act to carry into effect the Ordinance of the Convention held at Hillsborough, in July, one thousand seven hundred and eighty-eight, entitled an Ordinance for establishing a place for holding the future meetings of the General Assembly, and the place of residence of the Chief Officers of the State."*

WHEREAS, The said act requires a majority of the Commissioners appointed under the said act, to sell and dispose of the lots in said town and execute deeds for the same, which number cannot conveniently attend :

1. *Be it enacted, &c.*, That any three of the said Commissioners shall be competent, and have full power, to sell and dispose of the lots which remain unsold, and also to execute deeds for the same to the purchaser or purchasers; and to do and perform all acts and things respecting the sale and conveyance of said lots, which a majority of said Commissioners could or might do.

Three commissioners  
 empowered  
 to sell lots,  
 etc.



*An Act for the Regulation of the City of Raleigh.* 1794'5.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That John Haywood, Dugal McKeethen, John Marshall, John Rogers, John Pain, James Mares and John Craven, be, and they are hereby appointed Commissioners of the city of Raleigh; and they and their successors in office, chosen and qualified agreeable to the directions of this act shall be, and they are hereby, incorporated into a body corporate and politic, by the name of the Commissioners of the city of Raleigh: And by that name to have succession by the election of free men, as by this act is directed, and a common seal, and they and their successors by the name aforesaid, shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors forever in trust for said city, any lands, rents and tenements of what kind, nature or quality soever. And also grant, sell, devise, alien and dispose of the same; and to receive and take any gift or donation whatever to the said city, and also by the same name to sue and be sued, plead and be impleaded, answer and be answered in all Courts of Record whatsoever, and from time to time at all times hereafter to make such rules, orders and regulations and ordinances, as to them shall seem meet for repairing the streets, appointing a constable or constables, city watches or patrols, making proper allowances by fees or otherwise for such services, and for all such other necessary ordinances, rules and orders which may tend to the advantage, improvement and good government of the said city. And the said rules, ordinances and regulations from time to time, to alter, change, amend and discontinue as to the said Commissioners, or a majority of them, shall appear necessary. And also shall have full and ample power to enforce a compliance and observance to such regulations, by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations, not exceeding five

First act of  
incorporation  
repealed by  
act of incor-  
poration of  
1803.

First act of  
incorporation  
repealed by  
the act of in-  
corporation  
of 1893.

pounds. And in cases of slaves, the punishment of thirty-nine lashes; the said penalty to be recovered, and the punishment to be inflicted as hereinafter mentioned. That in case of the death, removal or refusal to qualify of any of the Commissioners appointed by this act, a Commissioner shall be elected by the freemen of said city, in the room of the person so dead, removed or refusing to qualify. For which purpose it shall be the duty of the Intendent of Police, and in his absence of the remaining Commissioners, to notify the sheriff of the county of Wake of such death or removal, who, upon receiving such notice, shall as soon as possible after giving ten days previous notice by public advertisement, attend by himself or deputy, at the Court House, or some convenient place in the city of Raleigh, and at ten o'clock of the day so appointed by advertisement, open the poll and receive the tickets in presence of two inspectors. And when the election shall be finished, such officer and inspectors shall examine and number the ballots, and the person having the greatest number of ballots shall be declared duly elected to the office of Commissioner. And the said sheriff of the county of Wake shall perform the duties aforesaid under the penalty of fifty pounds for every neglect or refusal; to be recovered by action of debt, before any jurisdiction having cognizance thereof, by any person who shall sue for the same in one year after such neglect or refusal, one-half to the prosecutor, the other to be paid to the Treasurer of the city for the use of the city. And the Commissioners so chosen, and those appointed by this act, shall, before they enter on execution of their office, take the following oath: "I, A. B., do swear that I will faithfully discharge the office of Commissioner for the city of Raleigh, agreeable to law, and to the best of my knowledge and judgment: so help me God." And whereas the proper office of the said Commissioners is that of making bye-laws and regulations for the government of the said city: and it has been found inconvenient and often impracticable to call



together Commissioners for the immediate purpose of punishing offenders, whereby the said regulations are never properly carried into effect; for the remedy whereof—

First act of incorporation repealed by act of incorporation of 1803.

*Be it enacted*, That the Commissioners of the city of Raleigh shall, on or before the first Monday in March next, having first advertised the same for five days, meet at the Court House in the said city, or some other convenient place, and elect a proper person to act as Intendant of Police for the said city, whose duty it shall be to enforce obedience to the laws and punish offenders; and shall be and is hereby authorized to issue his warrant directed to the sheriff, deputy sheriff, or city constable, to summon all the offenders against the laws, rules and ordinances made and provided for the regulation of the said city, to appear before him, and on their conviction, which shall be in the manner of trials before the Justices of the Peace, the said Magistrate is hereby required and authorized to give judgment and award execution agreeable to the laws, rules and ordinances provided for the government of the said city.— Which warrant or execution the said sheriff, deputy sheriff or constable, is hereby required to execute. And on such trial or enquiries, is hereby authorized and declared to possess all the necessary power to administer oaths, and subpoena and examine witnesses, and shall take the following oath before he enters on the execution of his office: “I, A. B., do solemnly swear, that as intendant of Police for the city of Raleigh, I will do equal right in all cases whatsoever, to the best of my judgment, and according to the laws, rules and ordinances made for the good government of the said city; all fines and amercements that may happen to be made, I will cause to be duly returned to the proper officer; and in all things belonging to my office, during my continuance therein, I will faithfully, truly and justly, according to the best of my skill and judgment, do equal and impartial justice to the public and to individuals: so help me God.” *Provided*, That, in all cases whatever,

First act of  
incorporation  
repealed by  
act of incor-  
poration of  
1830.

respecting the judgment of the Intendant of Police, in consequence of the authority delegated to him by this act, any person or persons being dissatisfied with such judgment, he, she or they, shall have the liberty of appealing therefrom to the Court of Pleas and Quarter Sessions for the county of Wake.

*And be it further enacted,* That no person shall be deemed qualified to act as Commissioner of the city of Raleigh, unless he hath a lot of land therein, with a dwelling-house in the same, in his own right in fee, or on lease for one year; and that all freemen who are liable to pay taxes, and have been inhabitants of the said city, six months next before and at the day of election, shall be entitled to vote for the Commissioners of said city, and no others.

*And be it further enacted,* That the Commissioners shall appoint one of their body to act as Treasurer of the city for one year, to receive and account for the city monies—for which a regular entry must be made in a book kept for that purpose: and upon the appointment of a new Treasurer, the old one shall immediately pass his account with him, and pay any balance there may be in his hands: *Provided,* That before such Treasurer enters on his office, he shall give his bond, with approved security, payable to the Commissioners, for the faithful discharge of his duty.

*And be it further enacted,* That the Commissioners of the said city shall choose and appoint a proper person to be their Clerk, of the said city, to act as such during good behavior; who shall be allowed a reasonable salary, and enter into bond to the Commissioners of said city, and their successors, with sufficient security, in the sum of two hundred pounds, for the due and faithful execution of his office, and the trust reposed in him, for the safe-keeping of the books and papers put into his care; and keeping a regular and fair Journal of the proceedings of the Commissioners, during his continuance in office. And all persons shall have free access to the Journals and papers, on paying two



shillings to the clerk, under the penalty of twenty shillings for every refusal, to be recovered before a Justice of the Peace for the county of Wake, by any person who shall sue for the same, within a month after such refusal, one half to the prosecutor, the other to be paid to the Treasurer of the city, for the use of the city.

First act of  
incorporation  
repealed by  
act of incor-  
poration of  
1830.

*And be it further enacted,* That the Commissioners of the said city, or a majority of them, shall annually levy a tax, not exceeding five shillings, on every hundred pounds value of taxable property within the said city; and a proportionable poll tax on all persons who do not possess in the said city the value of one hundred pounds taxable property; which tax shall be collected by a warrant under the hands and seals of the Commissioners, directed to such person as they may appoint for that purpose. And the Collector, to be appointed as aforesaid, is hereby empowered and directed to collect and make distress for the same, in like manner as Collectors of public taxes; and the monies arising therefrom, after deducting five per cent. for commissions, shall by him be paid into the hands of the City Treasurer, to be, by the Commissioners, or a majority of them, applied and laid out in clearing and repairing the streets and public passages, paying officers for transacting the business of the city, and in such other public work and business as the Commissioners may deem necessary.

And the more effectually to ascertain the taxable property within the said city:

*Be it further enacted,* That every inhabitant thereof shall yearly, at the time he shall give in his taxable property, to be assigned for the use of the State, distinguish in the list he shall return what part thereof is situated within the said city: and if any inhabitant shall fail so to do, the Commissioners shall and may order the city tax to be levied to the whole amount of the taxable property of the person so failing as aforesaid, although part thereof may not be within the said city, anything herein contained to the contrary notwithstanding: and it is hereby declared, that every per-

First act of  
Incorporati'n  
repealed by  
act of incor-  
poration of  
1803.

son inhabiting or occupying any house or other building, or improvement, or lot, within the said city, shall be liable to the payment of the tax thereof, unless the same shall have been returned by some other inhabitant: *Provided*, That all persons who have been six months residing in said city shall be subject to pay taxes.

And whereas encroachments may be made on the streets of the said city, by erecting piazzas, porches, platforms and other buildings thereon, and the inhabitants and others greatly incommoded, and injury may arise by fire being communicated across the streets thereby; for remedy whereof,

*Be it enacted*, That the Commissioners are hereby empowered and requested to order all such encroachments, from which danger may be apprehended, to be removed, under such pains and penalties as they shall think necessary to impose. And where any encroachment shall be found on any street or streets, from which no immediate danger is to be apprehended, the said Commissioners shall impose a ground rent not exceeding twenty shillings, to be annually paid, for every foot on front of each piazza, platform or other encroachment on the street, adjoining to, or being before, any one house or tenement, to be applied to the public stock of the city. And if any person shall refuse or neglect to pay such ground rent, the same shall be levied by a warrant under the hands and seals of the Commissioners, directed to a constable or other officer, to be by them appointed, on the goods and chattels of the defendant.

*And be it further enacted*, That the Intendant of Police and Commissioners of the city of Raleigh be, and they are hereby, authorised and required to take such measures as may be necessary to preserve the woods and timber on the public land in and adjoining the city of Raleigh.

*And be it further enacted*, That this act shall be and remain in force until the first day of January, one thousand seven hundred and ninety-seven, and until the end of the



session of the General Assembly, the next ensuing, and no longer.

Read three times and  
ratified in General  
Assembly, the 7th  
day of February, A.  
D. 1795. } WM. LENOIR, S. S.  
TIM'Y BLOODWORTH, S. H. C.

A true copy :

W. HILL, Secretary.

*An Act to continue in force an entitled an Act for the regulation of the City of Raleigh, passed in the year 1794.* 1797.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That an act of the General Assembly, entitled "An act for the regulation of the city of Raleigh," passed in the year one thousand seven hundred and ninety-four, be, and the same is hereby, continued in full force; anything to the contrary notwithstanding.*

Read three times and  
ratified in General  
Assembly, this 21st  
day of Feb'y, 1797. } WILLIAM LENOIR, S. S.  
STEPHEN CABARRUS, S. H. C.

Copy :

J. GLASGOW, Secretary.

*An Act to revive an Act, passed in the year one thousand seven hundred and ninety-four, for the regulation of the City of Raleigh, and to amend the same.* 1801.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of*

Repealed by *the same*, That from and after the passing of this act, the said act be and the same is hereby revived and declared to be in full force and effect.

But this (2d  
sec.) revived  
by 2d sec. act  
1814.

*And be it further enacted*, That if any merchant or shop-keeper shall keep his store open on the Sabbath day for the purpose of selling or retailing anything thereout, or if he shall sell or retail any merchandize on the Sabbath day, he shall forfeit, for each and every offence, the sum of ten pounds, to be recovered by the Commissioners of the city, to the use of the same, before any jurisdiction having cognizance thereof.

*And be it further enacted*, That the proceedings heretofore done and transacted by the said Commissioners, and all Commissioners since elected for the said city, the said acts and proceedings be, and are hereby, confirmed and ratified.

*And be it further enacted by the authority aforesaid*, That Joshua Sugg, William Polk and Theophilus Hunter be, and they are hereby, appointed additional and permanent Commissioners of the said city of Raleigh, and shall each have and exercise in all respects equal powers and authorities with those vested in any of the Commissioners heretofore appointed, or who shall hereafter be appointed for the said city, as well by voting at the Board of the said Commissioners, or otherwise, and in all other respects; and all acts and clauses of acts coming within the meaning and purview of and all other acts made relative to the regulation of the said city of Raleigh, be, and they are hereby, repealed and made void.

Read three times and ratified, in General Assembly, the 18th day of Dec. 1801.

JO. REDDICK, S. S.  
S. CABARRUS, S. H. C.

A true copy:

W. HILL, Secretary.



*An Act for the Government of the City of Raleigh, and for  
repealing all former acts passed for this purpose.* 1803.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the government of the city of Raleigh shall be vested in an Intendant of Police and seven Commissioners, who shall be chosen annually on the third Monday in January, at the Court House in the said city: To which end, the Sheriff of Wake county is hereby required to give ten days notice of such election by public advertisement, and to attend by himself or deputy at the place of election by ten o'clock in the forenoon, to open the poll and receive the tickets, in the presence of two inspectors, freeholders of the city: and when the election shall be finished, such returning officer and inspectors shall, in the presence of such of the electors as choose to attend, examine and number the ballots; and the persons having the greatest number of votes for the office of Intendant of Police, shall be declared duly elected; and the person having the greatest number of votes as Commissioners, shall be declared duly elected; and if the said sheriff shall neglect or refuse to give the notice hereby directed to be given, or shall neglect or refuse to attend as required, by himself or deputy, on the day of election, he shall forfeit fifty pounds for every such neglect or refusal, to be recovered by action of debt before any jurisdiction having cognizance thereof, by any person who shall sue for the same within one year after such neglect or refusal; one-half to go the informer, the other half to the Treasurer of the city, for the use of the city.

Government of the city vested in an Intendant of Police and 7 Commissioners, to be chosen annually on the 3d Monday in January. Sheriff to give ten days notice.

Sheriff liable to penalty for refusing to give notice of election.

II. *Be it enacted,* That no person shall be deemed qualified to act as Intendant or Commissioner of the said city, who is not seized in fee simple of a lot or part of a lot with a dwelling house thereon, and who is not an actual resident within the limits of the city. And that no person shall be deemed qualified to vote for an Intendant or Commissioners

Qualification of Intendant Commissioners and voters.



of the city, who has not been an actual resident within the limits thereof for three months preceding the day of election, or who does not hold a lot or part of a lot therein.

Incorporated  
by the name  
of the 'Com-  
missioners of  
the city of  
Raleigh.'

III. *Be it enacted*, That the Commissioners and their successors in office, chosen and qualified agreeably to the directions of this act, shall be, and they are hereby incorporated into a body corporate and politic, by the name of "The Commissioners of the city of Raleigh," and by that name to have succession by the election of the freemen as by act directed, and a common seal; and they and their successors by the name aforesaid shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors forever, in trust for said city, any lands, rents and tenements of any kind, nature or quality whatsoever, and also grant, sell, devise, alien and dispose of the same; and to receive and take any gift or donation whatever to the said city: and by the same name to sue and be sued, answer and be answered in all Courts of Record, or if necessary, before any single magistrate, and from time to time at all times hereafter, to make such rules, orders, regulations and ordinances, as to them shall seem necessary, for repairing the streets, for erecting public pumps and keeping in repair those already erected, for regulating the public market by the appointing a clerk thereof, or otherwise: to provide for the strict observation of the Sabbath: to appoint a Ranger of the public grounds: to appoint a constable or constables, city watches or patrols, and to make them proper allowances by fee or otherwise for their services, and also to make such other rules and ordinances as to them shall seem meet for the improvement and good government of the said city; and the said rules, regulations and ordinances, from time to time to alter, change, amend and discontinue as to the said Commissioners or a majority of them shall appear necessary; and shall also have full power to

Duties pro-  
scribed.

Fines and  
penalties for  
refusal or ne-  
glect to obey

enforce a compliance with and observance of such rules and regulations by laying fines and penalties on those who shall



refuse or neglect to conform to them, not exceeding five pounds; and in cases of slaves, by the punishment of not exceeding thirty-nine lashes. And the Commissioners, before they enter on the execution of their office, shall take the following oath: "I, A. B., do swear, that I will faithfully discharge the office of Commissioner for the city of Raleigh, agreeably to law, and to the best of my knowledge and judgment: so help me God."

Oath of Commissioners.

IV. *Be it enacted*, That it shall be the duty of the Intendant of Police of the city of Raleigh to enforce obedience to the laws and ordinances of the city, and he is hereby authorised and required to issue his warrant, directed to the sheriff, deputy sheriff or city constable, to summon offenders against the same to appear before him, and on their conviction, which shall be in the manner of trials before Justices of the Peace, the said Magistrate is hereby authorised and required to give judgment and award execution, agreeably to the laws, rules and ordinances provided for the government of the said city: which warrant or execution, the said sheriff, deputy sheriff or constable, is hereby required to execute: and on such trials or enquiries, the said Intendant is hereby authorized and declared to possess all the necessary powers to administer oaths and subpoenas and examine witnesses: and the said Intendant shall take all bonds required by this act to be given by the officers of the corporation, and before he enters upon the duties of his office shall take the following oath: "I, A. B., do solemnly swear, that, as Intendant of Police for the city of Raleigh, I will do equal right in all cases whatsoever, to the best of my judgment, and according to the laws, rules and ordinances made for the good government of the city: all fines and amercements that may happen to be made, I will cause to be duly returned to the proper officer, and in all things belonging to my office, during my continuance therein, I will faithfully, truly and justly, according to the best of my skill and judgment, do equal and

Duties and powers of Intendant of police.

Intendant's oath.



impartial justice to the public and to individuals : so help  
 me God." *Provided*, That in all cases where any person  
 or persons shall be dissatisfied with the judgment of the In-  
 tendant, he, she or they shall have the liberty to appeal  
 therefrom to the Court of Pleas and Quarter Sessions for  
 the county of Wake.

appeal from  
 the judgment  
 of the Inten-  
 dant in all  
 cases to the  
 Court's Court  
 of Wake.

Intendant  
 refusing to  
 qualify—  
 mode of elec-  
 tion prescrib-  
 ed.

V. *Be it enacted*, That if, at any time, the person elec-  
 ted Intendant of Police shall refuse to qualify, the Com-  
 missioners shall fix upon a day for another election, and the  
 sheriff shall give ten days notice thereof, as before directed,  
 and shall attend by himself or deputy, at ten o'clock of the  
 morning of the day appointed, at the Court House in  
 Raleigh, in order to proceed with the election in the man-  
 ner before prescribed, on pain of a like forfeiture for neg-  
 lect or refusal. But in case any of the persons elected  
 Commissioners shall refuse to qualify, the remaining Com-  
 missioners shall, at their first meeting, (which shall be held  
 in the same week in which they are elected,) fill up the  
 vacancy or vacancies by ballot among themselves.

Commission-  
 ers refusing  
 to qualify—  
 mode of elec-  
 tion prescrib-  
 ed.

Appointment  
 of Treasurer

Keep an ac-  
 count of re-  
 ceipts, etc.

Old treasur-  
 er to pass his  
 account to  
 new treasu-  
 rer, etc.

Give bond.

VI. *Be it enacted*, That the Commissioners shall appoint  
 one of their body Treasurer of the city for the year, whose  
 duty it shall be to receive and account for the city monies,  
 of which a regular entry must be made in a book kept for  
 that purpose : and upon the appointment of a new Treasu-  
 rer, the old one shall immediately pass his account with  
 him, and pay any balance there may be in his hands :  
*Provided*, That before such Treasurer enters on his office,  
 he shall give bond with approved security, payable to the  
 Commissioners, for the faithful discharge of his duty.

Appointment  
 of clerk.

To give bond  
 and keep a  
 Journal and  
 papers.

VII. *Be it enacted*, That the Commissioners shall ap-  
 point a proper person to be their clerk for the year, who  
 shall be allowed a reasonable salary, and shall give bond  
 with approved security, payable to the Commissioners, for  
 the due and faithful execution of his office, and for the safe  
 keeping of the books and papers put into his possession,  
 whose duty it shall be to keep a fair and regular Journal of  
 the proceedings of the Commissioners : and all persons



shall have free access to the Journals and papers of the Board, on paying two shillings and sixpence to the clerk, under the penalty of twenty shillings for every refusal, to be recovered before the Intendant of Police or any Justice of the Peace for the county of Wake, within one month after such refusal; one-half to the informer, the other half to the Treasurer of the city, for the use of the city.

Persons may have access to Journal and papers.

VIII. *Be it enacted*, That, in order to raise a sufficient fund for repairing the streets of the city, and for effecting other useful and necessary purposes, the said Commissioners are hereby authorised to lay, levy and collect annually a tax not exceeding ten shillings on every hundred pounds value of taxable property in the said city; a tax not exceeding ten shillings on all free male polls residing within the limits of said city, and who have resided within the same three months previously to the time of giving in the annual tax list; and a tax not exceeding ten shillings on every male slave of twelve years of age and not exceeding fifty, working within the limits of the said city; and that, hereafter, no inhabitant of the said city shall be compelled to work on the streets thereof.

Taxes not to exceed five shillings on every \$100. and ten shillings on every poll.

IX. *Be it enacted*, That the inhabitants of the city of Raleigh shall, on or before the first of April in every year, give in to the Intendant of Police, on oath, a list of the taxable property of which they are at that time possessed, with the free male polls of their respective families (including boarders,) and their male slaves working within the limits of the city: and if any person shall refuse or neglect to give in a list of their taxable property as required, he or she shall be liable to pay a fine of twenty shillings.

Tax list taken on first April.

What polls taxable.

Penalty for neglecting to give in taxable property

X. *Be it enacted*, That within one week after receiving the lists of taxable property, as aforesaid, the Intendant of Police shall make a return thereof to the Commissioners, who shall thereupon appoint three respectable persons, freeholders of the city, not of their own body, as Assessors to value the several lots of the city with their improvements,

Intendant to make return.

Appointment of Assessors.



Assessors to  
make return  
on or before  
1st of May

previous to the tax being levied upon the same; and the said Assessors shall make a return of their valuation on or before the first of May. And as the citizens appointed

Assessors,  
how valued.

Assessors cannot with propriety value their own property, a value shall be put upon it by the Board of Commissioners.

Board to lay  
tax.

Appointm't  
of Tax Col-  
lector.

Tax to be  
collected by  
1st August.

Money collec-  
ted for taxes  
to be paid to  
treasurer.

Collector's  
allowance.

XI. *Be it enacted*, That as soon as the Assessors shall have made a return of their valuation to the Board of Commissioners, the Board shall immediately proceed to lay the tax herein directed; which having done, they shall appoint a proper person collector of the said tax, and after taking bond with sufficient security for the amount of the said tax, payable to the said Commissioners, shall place the said tax list in his hands for collection, requiring the same to be collected by the first day of August ensuing; and the said collector shall from time to time pay the monies collected for taxes into the hands of the City Treasurer, after deducting five per cent. for his trouble in collecting the same.

Tenants  
liable for  
taxes on fail-  
ure of pro-  
prietors to  
pay.

Commission-  
ers authori'd  
to sell on  
failure to pay  
taxes.

XII. *Be it enacted*, That every tenant occupying a house or houses, lot or lots, within the said city, shall be liable to pay the tax herein laid upon any such house or houses, lot or lots; and on failure of the proprietor of any lot to pay the annual tax thereon by himself, tenant or agent, on or before the first day of August in every year, the Commissioners of the said city are hereby authorized and directed to sell the same at public vendue to the highest bidder, for ready money, first having advertised such lot or lots for six weeks in the State Gazette; and after deducting from the purchase money the tax due on each lot so sold, and the expense attending the advertising and selling thereof, the residue shall be paid on application to the person entitled to receive the same.

Public works  
to be done by  
contract.

XIII. *Be it enacted*, That the necessary repairing of the streets, digging of wells, erecting of pumps, or any other public business in said city, shall be let to the lowest undertaker at such time and place as the Commissioners may appoint, giving at least ten days notice thereof by advertise-



ment. All proposals for executing public work to be addressed in writing to the Commissioners, but no contract for public work shall be undertaken by a Commissioner.

No contract to be undertaken by a Commissioner

XIV. *Be it enacted*, That the Commissioners may grant the privilege of erecting porches or piazzas on the front of any dwelling house already erected on the line of any public street: *Provided*, Such porch or piazza does not exceed eight feet in width, or if eight feet in width has no steps in the front of the same; and *provided*, that no bar or other enclosure be erected therein which may impede the air or view: and that such encroachments may be a mean of assisting the city funds, the Commissioners shall lay a tax or ground rent on them annually, not exceeding five shillings for each foot width of the same. And that the Commissioners shall annually cause every such encroachment to be measured and entered on their journals with the number of feet which it is in width. The said tax or ground rent to be collected and accounted for as the other taxes are collected and accounted for: *Provided*, That no steps or stoops entering any house, and flat cellar doors without roof over them, not exceeding four feet in width, shall be liable to pay a tax or ground rent.

Encroachments, law relative to.

XV. *Be it enacted*, That all monies arising from taxes, fines, donations, or from other sources, for the use of the city, shall be paid into hands of the City Treasurer; and no appropriation shall be made but by a Board of at least a majority of the Commissioners; and no money shall be drawn from the City Treasurer, but by a warrant signed by the Chairman of the Board, and countersigned by the Clerk of the corporation.

All monies paid to city Treasurer.

Appropriations how to be made.

Warrants how to be signed.

XVI. *Be it enacted*, That the Commissioners for the time being are hereby declared to have full power to receive any arrears of taxes that may be due from any of the citizens, and also to recover any sum of money which may remain in the hands of any former Board of Commissioners, Treasurer, Collector, Ranger, or any other person, due to the city fund.

Commissioners to receive any arrears of taxes or moneys.

Com'ssioners  
to make out  
annual tran-  
script of re-  
ceipts & dis-  
bursements.

XVII. *Be it enacted*, That it shall be the duty of the Board of Commissioners, to make out, or cause to be made out, annually, a fair transcript of their receipts and disbursements for the said city, for the general inspection of the citizens, one week at least previous to the day by this act appointed for the annual election of the said Commissioners. And the Commissioners failing to comply with the same shall forfeit and pay the sum of fifty pounds, to be recovered by any person who shall sue for the same within twelve months after such offence, before any jurisdiction having cognizance thereof; one-half to the informer, the other half to the Treasurer, for the use of the city, which sum shall be levied on the proper goods and chattels of the said Commissioners or either of them.

Penalty for  
failing to  
comply.

Duty of Com-  
missioners in  
case of fire.

XVIII. *Be it enacted*, That in case of fire breaking out in any part of the city, the Commissioners, or a majority of them, shall have full power to do whatever they may deem necessary to stop the progress of the calamity, even to the causing adjoining buildings to be taken down or blown up, without being answerable for any damages to the owner or owners of the property so destroyed.

Hogs.

XIX. *Be it enacted*, That the Commissioners shall have power to make regulations for preventing hogs running at large in the city.

Slaves, free  
negroes, &c.,  
not permit'd  
to keep  
house with-  
out license  
Citizens not  
to deal with  
slaves.

XX. *Be it enacted*, That the Commissioners shall have power to prevent slaves, free negroes or persons of color from keeping houses without a license from the Commissioners, and also to prohibit citizens from dealing with slaves not having tickets from their master, mistress or overseer.

Board to  
grant license  
for retailing  
spirituous  
liquors.

XXI. *Be it enacted*, That no person or persons shall be licenced, or permitted, to sell liquors by the small measure in the said city, without the permission of the Board of Commissioners, previously had and obtained in writing; any law, usage or custom to the contrary notwithstanding: and that any person who shall retail spirituous liquors by the small measure in said city, without having first obtained the

Persons re-  
tailng spiri-  
tous liquors  
without li-  
cence, liable  
to a penalty.



permission of the Commissioners as aforesaid, shall forfeit and pay the sum of ten pounds, to be recovered before the Intendant of Police, or any jurisdiction having cognizance thereof, by any person or persons who shall, within one year after the offence is committed, sue for the same, the one-half to the use of the informer or informers, the other half to the use of the said city.

XXII. *Be it enacted*, That the Commissioners of the city, at their first meeting annually, shall fix their stated days of meeting for the year, which shall be at least once every month, and if any Commissioner shall fail to attend such meeting, or any special meeting of which he may have notice in writing, (unless prevented by sickness, or such causes as shall be satisfactory to the Board,) he shall forfeit twenty shillings, to be recovered before the Intendant of Police, or any Justice of the Peace for the county of Wake, for the city.

Board meet  
monthly.

Commission-  
ers liable to  
a penalty for  
non-atten-  
dance.

XXIII. *Be it enacted*, That all laws heretofore passed for the regulation of the city of Raleigh be, and they are hereby repealed, and made void.

Former acts  
repealed.

Read three times and  
ratified in General  
Assembly, the 7th  
day of December,  
A. D. 1803.

JOSEPH RIDDICK, S. S.  
S. CABARRUS, S. H. C.

A true Copy:

W. HILL, Secretary.

*An Act for the appointment of Auctioneers.*

1806.

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Commissioners of the city of Raleigh, and the towns of Salisbury, Hillsborough, Halifax, Eden-

Auctioneers,  
how to be ap-  
pointed

The subsequent act of 1820 fixes the 1st Monday in April in each year, for appointing auctioneers. Amount of bond, by same act, left discretion'ry with County Court.

ton, Washington, Newbern, Wilmington and Fayetteville, shall have power, immediately after the next election after the passing of this act, and from time to time, to appoint one or more, not exceeding three persons, to act as auctioneers, who shall give bond with two securities, in the sum of five thousand pounds, to be filed in the clerk's office of the county in which said city and each of said towns are respectively situated: and the auctioneers so appointed shall exclusively have the right of selling by auction property of every kind, which shall be exposed for sale at auction in said city and towns respectively, except as hereinafter excepted.

Their commissions, etc.

II. *And be it further enacted*, That said auctioneers shall be authorised to demand and receive from any person requiring their services, such commissions as they may mutually agree upon, and for want of such agreement not more than three and one-half per centum; and they shall keep a correct account on all sales by them made, which shall at all times be subject to the inspection of said Commissioners, or any person they may appoint; and also on the payment of one shilling for a search, to that of any other person interested therein, provided such interested person shall have no right to examine any part of such books, except such as may relate to his or her own particular concern.

Auctioneers to pay one per cent. on the whole amount of sales to the said commissioners.

III. *And be it further enacted*, That said auctioneers shall yearly, on such day as may be appointed by said Commissioners, pay one per cent. on the total amount of all sales made by them.

The remedy, on failure.

IV. *And be it further enacted*, That if any of said auctioneers shall fail or refuse to account for and pay the proceeds of any sale by them made, it shall and may be lawful for the person entitled thereto to enter up judgment in the County or Superior Court of the county in which each of said city and towns are respectively situated, ten days previous notice being given to the auctioneer. But if said auctioneer shall deny the whole or any part of the claim of



the plaintiff, a jury shall be impanelled *instantly* to try any issue made up thereon; and the said auctioneers and plaintiffs respectively shall be entitled to summon witnesses to appear at the term or session to which notice of an intention to enter up judgment shall have been given: *Provided, nevertheless,* That nothing herein contained shall extend or be construed to extend to any sale made by order of any court, or by any sheriff, coroner or constable, by virtue of his office, or of the goods and chattels of any deceased persons or minor, or the sale of any goods and chattels, the property of the vendor: *Provided always,* That this act shall not prevent any person from selling his own property at public auction.

Read three times and ratified  
in General Assembly, Dec.  
19, 1806.

} JO. RIDDICK, S. S.  
J. MOORE, S. H. C.

Copy:

W. HILL, Secretary.

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*An Act dividing the City of Raleigh into three Wards, 1806.  
and to amend an Act entitled "An Act for the Govern-  
ment of the City of Raleigh, and for repealing all for-  
mer Acts passed for this purpose."*

WAEREAS, Many of the inhabitants of the City of Raleigh have petitioned this General Assembly to amend the above-mentioned act, by dividing the city into Wards, and providing for the appointment of Commissioners from each and every of such Ward respectively, in order that the whole of the inhabitants may be equally represented, and the monies levied and collected from them applied accordingly:

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority*

Dividing the city into 3 Wards, and appointing commissioners to each Ward.

Amended by the act of 1811.

Sheriff to hold an election as heretofore.

This part of the act relative to the number of Commissioners repealed.

Mode of election of Commissioners. Intendant of Police, how elected.

This section repealed.

Owners of lots failing to pay taxes, lots are liable to be sold therefor.

*of the same*, That from and after the passing of this act the city of Raleigh shall be divided into three separate Wards; to wit: All that part of the said city lying East of Wilmington and Halifax streets shall compose one Ward, to be styled the Eastern Ward: all that part thereof which lies West of Salisbury and Halifax streets shall compose a Ward, to be styled the Western Ward, and the remaining part of the said city shall compose one other Ward, to be styled the Middle Ward; and the sheriff of the county of Wake shall hold an election annually at the place and on the day heretofore appointed by law to elect five Commissioners for the Middle Ward, three for the Eastern Ward, and one for the Western Ward, to be chosen by and from the inhabitants, residing within their Wards; and to that end, the sheriff shall have three boxes, one to receive the tickets of each Ward separately, and when the election is closed, the tickets shall be counted out of each box by the sheriff, or his deputy, and the persons having the greatest number of votes in each of the boxes, shall be declared duly elected Commissioners for the current year, and shall, within their Wards respectively, be vested with all the powers and authorities which the Commissioners of the city of Raleigh may now lawfully exercise; and in the same manner Commissioners shall be elected for each succeeding year. And the Intendant of Police shall be elected as heretofore by the whole of the electors of the city.

II. *And be it further enacted*, That the taxes which shall hereafter be levied and collected in each Ward shall be laid out by the Commissioners thereof for the improvement and benefit of their Wards respectively, and not otherwise.

III. *Be it further enacted by the authority aforesaid*. That in all cases where the owner or owners of any lot or lots, or parts of lots in the said city or the occupants thereof, shall fail to pay the taxes which may become due on any lot or lots or part or parts of lots, the Commissioners of the said city shall cause to be sold so much of such lot or parts of lots, as shall be sufficient to pay the taxes due thereon



and the costs of advertising; *and no more*, any law to the contrary notwithstanding.

IV. *And be it further enacted*, That all acts and clauses of acts coming within the purview and meaning of this act, be, and they are hereby, repealed and made void.

Read three times and  
ratified in General } JOSEEPH RIDDICK, S. S.  
Assembly, the 20th } JOHN MOORE, S. H. C.  
day of Dec., 1806. }

Copy:

WILLIAM HILL, Secretary.

*An Act to amend an Act passed in the year 1806, entitled  
"An Act dividing the City of Raleigh into three Wards,"  
and to amend an Act entitled "An Act for the Govern-  
ment of the City of Raleigh," and for repealing all for-  
mer Acts passed for this purpose.*

1809

WHEREAS, The Western Ward in the City of Raleigh hath considerably increased in population since the passing of the above recited act, which authorised the election of one Commissioner only for said Ward:

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That in future there shall be three Commissioners elected in the Western Ward of the City of Raleigh, at the same time, and under the same regulations and restrictions as are now fixed and established by law for the election of Commissioners of said city, who shall have all the powers and authorities, and be governed by the same rules and regulations, as those heretofore authorised to be elected in the several Wards in the city.

Repealed

*And be it further enacted,* That this act shall be in full force from and after the ratification thereof.

Read three times and	}	JOSEPH RIDDICK,, S. S. T. DAVIS, S. H. C.
ratified in General		
Assembly, the 23d		
day of Dec. A. D.		
1809.		

A true copy :

W. HILL, Secretary.

1811. *An Act to explain and amend the first section of an Act passed in 1806, as far as respects the division of the City of Raleigh into three Wards.*

WHEREAS, It is found and discovered that the division of the city, as prescribed by the aforesaid act of 1806, is unequitable, and the boundaries of each Ward not so precisely described as to prevent disputes, and that said division into Wards is not nor neither can be as was intended, viz: that the Eastern and Western Wards should receive all the taxes, and leave the Main Street North from the State House, called Halifax street, for the Middle Ward to keep in order; and as the division now is, the Commissioners of the Eastern Ward do collect and receive all the taxes on the East of said street, leaving the naked street to the Middle Ward to keep in order, although the Commissioners of the Eastern and Western Wards acknowledge there is no equity for them to receive the taxes and leave the naked street for the Middle Ward to keep repaired, and consider that they are bound to act agreeable to the law of 1806; the Commissioners of the Middle Ward have always been willing to act justly, to give them the taxes, and they will keep the street in repair: for remedy whereof:

*Be it enacted,* That the division of the three several Wards shall be in the following manner, to wit: First, the



Middle Ward shall be bounded on the North and South by the town commons land or to the utmost limits of the town to the North and South; the Wilmington and Salisbury streets, from one end of the town to the other, shall be Division of the Wards. the boundary lines of the Middle Ward; and all that part of the town from the centre of Wilmington street to the East, shall be the Eastern Ward; and all the other part of the town, from the centre of Salisbury street to the West, shall be the Western Ward. And hereafter each Ward shall work to the centre of each of said streets, and that shall be considered the boundary lines from and after the passing of this act.

*And be it further enacted,* That all acts and clauses of acts, coming within the meaning of this act, are hereby repealed and made void.

*Be it further enacted,* That a majority of the Commissioners of each Ward, when convened, shall, and they are hereby incorporated and known by the name of the general Board of Commissioners, and they are hereby authorised to do and transact all such business as a body corporate, in as full and complete a manner as the several Wards now do. Repealed.

*And be it further enacted,* That in case of the absence, resignation or death of the Intendant of Police, that any Justice of the Peace, whose residence is in town, shall, and they are hereby authorised and empowered to act in said Intendant's capacity, in as full and complete a manner as the said Intendant could or might do, were he himself personally present. Absence resignation or death of Intendant, how provid'd for.

*And be it further enacted,* That this act shall be in force from and after the first day of January, 1812.

Read three times and )  
 ratified in General Assembly, this 21st day of Dec'r 1811. )  
 JO. RIDDICK, S. S.  
 JNO. STEELE, S. H. C.

Copy :

W. HILL, Secretary.

1813. *An Act for the better Government of the City of Raleigh.*

WHEREAS, The citizens of Raleigh have found that the government of the said city, by four Boards of Commissioners, is attended with much inconvenience, and believing that the object contemplated by this division of authority can be accomplished by a single Board properly organised:

Government of the city vested in an Intendant of Police and 7 Commissioners to be elected as in the act of 1803.

SECT. I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the government of the city of Raleigh shall in future be vested in an Intendant of Police and seven Commissioners, to be elected annually, on the third Monday in January, as directed by an act passed in the year one thousand eight hundred and three, entitled "An act for the government of the city of Raleigh, and for repealing all former acts passed for that purpose," three of which Commissioners shall be elected by and from the inhabitants of the Middle Ward; two by and from the inhabitants of the Eastern Ward; two by and from the inhabitants of the Western Ward. The Wards of the city to be and remain as fixed by an act passed in one thousand eight hundred and six, entitled "An act for dividing the city of Raleigh into three Wards, and for amending the act of one thousand eight hundred and eleven, to explain and amend the said act.

The Wards to remain as fixed by the acts of 1806 and 1811.

Taxes collected from each Ward, if required, to be expended in the Ward in which the same was collected.

II. *Be it enacted,* That the amount of taxes collected from each Ward of the said city shall, if required, be expended on the Ward in which the same was collected, except so much thereof as shall be necessary for general purposes, to which the several Wards shall furnish their due proportion, according to their population and the amount of their taxable property.

Commissioners to form one Board. A majority to form a quorum.

III. *Be it enacted,* That the said Commissioners shall form one Board, a majority whereof shall be competent to perform all the duties of Commissioners of the City of Raleigh, as prescribed in the several acts above recited, and in the bye-laws passed from time to time under their authority



IV. *And be it enacted*, That the Intendant of Police shall have a seat in the Board of Commissioners, and when present, shall preside therein; in his absence the Board shall appoint a Chairman *pro tempore*. Intendant of Police ch. 2 Board to appoint chairman pro temp.

And whereas, by the act passed in the year one thousand eight hundred and three, for the government of the city of Raleigh, the Commissioners of the city are authorised to do what they deem necessary to extinguish and stop the progress of any fire, which may break out in the city. Referring to act of 1803—concerning fires.

V. *Be it enacted*, That the said Commissioners are hereby authorised and directed, whenever they shall deem it expedient, to procure a fire engine for the use of the city, form a fire company, and make such other regulation as they may deem necessary in order effectually to carry into operation the provision of said act in relation to the extinguishment of any fire which may happen in said city. Board to procure fire engine and form a fire company.

VI. *Be it enacted*, That all former acts which come within the purview of this act, are hereby repealed.

VII. *Be it further enacted*, That the public squares in the said city be under the control and government of the Commissioners of the said city. Pub. squares under control of the Board.

Read three times and ratified, in General Assembly, the 17th day of Dec. 1813.

GEO. OUTLAW, S. S.  
W. MILLER, S. H. C.

A true copy:

W. HILL, Secretary.

*An Act to revive the second section of an Act, passed in the year one thousand eight hundred and one, entitled "An Act to revive an Act passed in the year 1794, for the regulation of the City of Raleigh, and to amend the same, and for other purposes."*

Second section of act of 1801, revived relative to merchants and shop-keepers.

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That, from and after the passage of this act, the said second section of the above recited act, which declares that no merchant or shop-keeper shall keep open his or their store or shop on the Sabbath day, for the purpose of selling or retailing anything thereout, on pain of forfeiting ten pounds, be and it is hereby declared to be revived, and in as full force as if the same had not been repealed. *And it is further enacted,* That dealers in spirits by the small measure shall be considered as shop-keepers under the meaning of this act.

Powers of the city constable.

II. *Be it further enacted,* That the constable of the city of Raleigh shall have the same powers, and be bound by the same rules as constables of the county of Wake, to apprehend all offenders against the State within the limits of the said city, and carry them before the Intendant of Police, or some Justice of the Peace, for which he shall be allowed the same fees as the constables of the county aforesaid, to be paid by the party offending, if found guilty, or by the Commissioners in case of acquittal.

amended or repealed.

III. *Be it enacted,* That the inhabitants of the city, when classed by the Commissioners as a City Watch, shall be compelled by themselves, or by good substitutes, to serve in turn when ordered out by the Intendant of Police, or other person appointed by the city Commissioners as directors of the Watch, under the penalty of ten shillings, to be recovered by warrant before the Intendant, in the name of the Commissioners, for the use of the city.

Jailor of the county to receive persons

IV. *Be it enacted,* That the jailor of the county of Wake is hereby authorized and required to receive into the



jail, under his care, any person or persons taken up in the night by the city watch or constable without mittimus, and him, her or them safely keep until the morning, when the offender or offenders shall be brought before the Intendant of Police or some other Magistrate, and dealt with agreeably to the directions of the ordinances of the city, for which services the jailor shall be entitled to his usual fees.

taken up in the night by the watch or constable without a mittimus.

V. *Be it further enacted*, That, in all sales of lots or parts of lots for city taxes, the Chairman of the Board of Commissioners is hereby authorized and empowered to execute the proper deeds of conveyance for the same; and all such deeds shall be as valid in law, as if signed by all the Commissioners of said city.

In sale of lots for taxes, Chairman of the Board empowered to execute deeds.

VI. *Be it further enacted*, That when any inhabitant of the city aforesaid shall fail to pay, within the time prescribed by law, any tax which may have been laid by the city Commissioners agreeably to the powers and authorities in them vested, it shall be lawful for the city constable or collectors of said tax, to proceed to the sale of any property of such person, in order to raise the amount of such tax, and the expense attending such sale.

Property of persons failing to pay taxes, liable to be sued by city constable or collector.

VII. *And be it further enacted*, That the said Board of Commissioners are authorized to remove the necessary houses on Union square, to some proper and convenient places as may be fixed on by said Commissioners: *Provided*, That the free use of said houses shall be secured to the officers of State, and the members and officers of the Legislature of this State.

Privies in Union square

Read three times and ratified in General Assembly, the 24th day of December 1814.

GEO. OUTLAW, S. S.  
F. NASH, S. H. C.

A true copy:

W. HILL, Secretary.

1815. *An Act to enable the Intendant of Police and Commissioners of Raleigh, to supply the City with water, and for other purposes.*

WHEREAS, A regular supply of good water in the city of Raleigh (so necessary for its safety, and so desirable for the convenience and comfort of its inhabitants) is contemplated by the Intendant and Commissioners of the said city: and whereas the expense of conducting water to the city by the means of pipes or aqueducts, will greatly exceed the utmost sum which can be raised by taxation in one year; and as the Intendant of Police and Commissioners are elected for one year only, and have no power to bind their successors or to borrow money upon the credit of future taxes,

Board empowered to supply the city with water.

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Intendant of Police and Commissioners of the city of Raleigh, for the time being, shall have power to form all contracts and engagements necessary or proper for having the city supplied with water through pipes or aqueducts: to use all proper means to that end, to accept and hold all grants of rights and privileges for such object, and to obtain by loan such sum or sums of money, beyond the unappropriated monies in their hands, as may be required from time to time to fulfil their said contracts and engagements, and enable them to effect the purpose aforesaid.

Sums of money borrowed a charge on the Board for the time being.

II. *And be it further enacted by the authority aforesaid,* That all sums of money which shall be borrowed in pursuance of the preceding section, and all arrearages that may be due from said Intendant and Commissioners on such contracts, shall be paid by the Intendant and Commissioners for the time being as the same shall become due, and shall be a charge upon them and all future Commissioners, until the same shall be discharged: and all future taxes for the city are hereby declared to be liable for the same.



III. *And be it further enacted*, That this act shall take effect immediately after the third Monday of January next. Act to take effect.

IV. *Be it further enacted*, That in every sale of a lot or part of a lot for taxes within the city of Raleigh, by order of the Commissioners, such lot or part of lot shall be sold, subject to redemption within two years from the day of sale, on the owners repaying the purchase money with an advance of twenty-five per cent. thereon. Lots sold for taxes redeemable in two years.

V. *Be it enacted*, That it shall be the duty of the Constable of said city, from time to time, diligently to enquire after slaves who hire their own time within the limits of the said city, and to render an account of all such to the prosecuting officer of the county, at every Court of Pleas and Quarter Sessions, held for the county of Wake, whose duty it shall be to cause the said slaves to be apprehended and dealt with according to law; and the said constable shall be entitled for his services herein, to one fourth part of the hire of all such slaves as shall be convicted of said offence for the time for which they shall be hired out by direction of said Court, any law to the contrary notwithstanding. City constable to enquire after and render an account of slaves hiring their own time to the county attorney.

Read three times and  
ratified in General  
Assembly, the 19th  
day of Dec. 1815. }

JOHN BRANCH, S. S.  
JNO. CRAIG, S. H. C.

A true copy :

W. HILL, Secretary.

*An Act for the better Regulation of the City of Raleigh.* 1816.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That, when any sheriff, city constable or other collector of the State, county or city taxes, shall hereafter sell any lot of land, tenements or hereditaments for the Officer to advertise land sold for taxes.

On failure to  
pay one hun-  
dred pounds.

non-payment of any taxes whatever, arising or accruing to the State, county, or within the city of Raleigh, such sheriff, constable or other collector shall advertise the same at least sixty days previous to such sale, in the State paper published in the city of Raleigh, and at least three of the most public places within said city, in which advertisement shall be described the lot or lots aforesaid, the number which such lot or lots is or are within the plan of said city, the name of the person or persons, if any residing upon such lot or lots, and the name of the person or persons who is or are the reputed owner or owners thereof, when the same can be ascertained: and such sheriff, constable or other collector, failing to perform the requisites of this act, shall forfeit and pay the sum of one hundred pounds, to be recovered by action of debt in any Court of Record having jurisdiction thereof, to the sole use of the person or persons suing for the same.

Power of  
Commission-  
ers over wa-  
ter works.

II. *And be it further enacted*, That, for the better preservation of the water-works now erecting without the limits of the said city, for the purposes of supplying the city with water, the commissioners aforesaid are hereby authorized to make all necessary ordinances, and enforce the same, for the punishment of any person who may wantonly injure the said works in any manner whatsoever.

Passed in 1816.

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*An Act Concerning Incorporated Towns.*

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That all persons, who hold lots in any of the towns of this State, shall have until the year eighteen hun-



dred and eighty-five, to complete their buildings, agreeably to the respective acts of Assembly in those cases made and provided. Owners of lots to have further time to complete buildings.

II. The Commissioners of every incorporated town in this State shall have power to impose such annual tax on dogs, kept within said town, as they shall think proper; and to require the persons, owning or possessing said dogs, to return the same in their list of taxable property, in the same manner as other taxable property is by law required to be given in for taxation. Commissioners of towns may lay a tax on dogs.

III. If any person, residing in either of said towns, shall have in his possession, within the same, any dog, and shall not return the same for taxation, and shall fail to pay the tax after thirty days public notice of the imposition thereof, and of the notice to return the same for taxation, the Commissioners of such town may, and are hereby authorised, at their option, to sue for and recover the tax from the person so failing, before any jurisdiction having cognizance thereof, or may treat said dogs, not returned for taxation, and not paid for, as nuisances, and may order their destruction as they may think fit. Penalty for failing to give them in

IV. Said Commissioners shall annually publish an accurate list of the taxes, levied and collected in their respective towns, together with a list of each sum expended by them, and to whom paid, and for what purpose; and any Board of Commissioners, failing to comply with the directions and intentions of this section, shall forfeit and pay the sum of one hundred dollars, to be recovered by any person, who shall sue for the same, which sum shall be levied of the goods and chattels, lands and tenements of said Commissioners, or either of them. Commissioners of towns to publish a list of taxes. Penalty for failure.

1819. *An Act directing the sale of certain Public Land adjoining the City of Raleigh, and for other purposes.*

Appointing  
Com'rsers  
to sell.

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Duncan Cameron, John Winslow, Joseph Gales, William Roberts and Henry Potter be and they are hereby appointed commissioners for the purpose of selling, and they or a majority of them shall have full power and authority to sell and convey, in fee simple, by instrument under their hands and seals, allow any part of the public lands contained in the deed from Joel Lane to the Governor for the use of this State, and adjoining the city of Raleigh, lying on the East side thereof, except a part thereof, not exceeding twenty acres, to be selected by the architect superintendant of Public Buildings, and reserved for a quarry.

To lay off the  
same into  
lots.

II. *Be it further enacted,* That the said Commissioners, or a majority thereof, shall lay off or cause to be laid off into convenient lots of such size as they may deem most proper, all of the above described land; and when the said lots shall be thus laid off, it shall be the duty of the Commissioners, or a majority of them, to make an estimate of the value of each lot of land, and deposit the same with the treasurer: and they shall not communicate to any person, previous to the sale, the affixed value of any lot.

Lots to be  
sold at auc-  
tion.

III. *Be it further enacted,* That the said Commissioners shall cause to be set up at public auction, the said lots of land, first giving sixty days notice by advertisement in the newspapers printed at Raleigh, of the time and place of sale: *Provided always,* That the Commissioners shall adopt effectual measures to prevent the bidding off any lot for a less sum than the previous estimation, nor shall any title be made until the purchase money is paid: *Provided,* That nothing in this act shall be construed to empower the Commissioners to sell the unappropriated lots which are situate in the corners of the city.



IV. *And be it further enacted*, That the purchasers of the lots of land shall have a credit of one year for one-third part of the purchase money, two years for another third, and three years for the remaining third, on giving bond with approved security, payable to the Governor, and negotiable at any of the Banks in this State; which bonds shall be deposited with the Treasurer, and by him collected when due. Mode of payment.

V. *And be it further enacted*, That the said Commissioners shall make a full and complete return of their proceedings herein to the next General Assembly. To make return.

VI. *Be it further enacted*, That the said Commissioners, in laying out the lots as directed in the second section, shall also have power to lay off such streets or roads as they may deem advisable. To lay off streets.

VII. *And be it further enacted*, That the Governor of this State be, and he is hereby authorised and empowered to cause the State House to be repaired and improved under the superintendence and direction of the Architect for the State, in conformity with the plan prepared and submitted by him to the present General Assembly. Gov. authorised to repair State House.

VIII. *And be it further enacted*, That for the purpose of repairing and improving the State House in the manner prescribed in this act, the Governor shall have full power to draw warrants on the Public Treasurer, which shall be paid out of the money arising from the sale of the land by this act, directed to be sold, and no other. May draw on Treasurer.

Passed in 1819.

1820. *An Act to amend an Act entitled an Act laying duties on Sales at Auction of Merchandise,*

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Commissioners of the several towns of Fayetteville, Wilmington, Newbern, Edenton, Elizabeth City, Halifax, and the city of Raleigh, shall have full power to appoint not less than one, nor more than three auctioneers for their respective towns, which auctioneers shall be appointed annually, on the first Monday in April in each and every year, and shall give bond to be approved of by the Court of Pleas and Quarter Sessions of the county, and otherwise be subject to the rules and regulations contained in the aforesaid act.*

Commissioners to appoint auctioneers.

Auctioneers to give bond.

*And be it further enacted, That all acts and clauses of acts coming within the purview and meaning of this act, are hereby repealed and made void.*

Read three times and }  
 ratified in General }  
 Assembly, the 18th }  
 day of Dec'r 1820. }  
 R. M. SAUNDERS, S. H. C.  
 R. YANCY, S. S.

Copy :

W. HILL, Secretary.

1821. *An Act in addition to former Acts passed for the Government of the City of Raleigh.*

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That if any citizen who shall hereafter be elected to serve as Intendant of Police, Commissioner or Assessor of said city of Raleigh, shall decline the acceptance of such office, he shall forfeit the sum of ten dollars, which shall be*

Intendant and other officers declining to serve, subject to a fine.



recoverable by warrant before the Intendant of Police of said city, or before any Justice of the Peace for the county of Wake, and shall go to the city funds for the use of the city.

*Be it enacted,* That every citizen occupying any lot or part of a lot fronting on any street in the said city, in which foot-paths have been or may be laid off by the Commissioners thereof, shall, at their own expense, improve and keep in good repair such foot-path, immediately in front of such lot or part of a lot; or, on failure to do so, the Commissioners of said city shall cause such repairs to be made on such foot-paths as they may deem necessary, and charge the expense thereof to the citizen or citizens who shall have neglected to repair the same, which may be recovered and shall be applied in the same manner as is prescribed in the above section.

Occupants of lots to keep side walks in repair, at their own expense.

And for the better preservation and continuance of the water works of said city, which the inhabitants thereof have erected and established at great expense:

Preamble

*Be it enacted,* That if any person shall wantonly commit any damage to said works, either in the machinery, houses, reservoirs, pipes, or any other thing appertaining thereto, he shall be subject to a fine not exceeding ten dollars, to go to the city funds, and to imprisonment not exceeding three months.

Injury to the Water Works punishable.

*Be it further enacted,* That if, at any time, it shall be necessary for the Commissioners of the city to cut a ditch or ditches for the purposes of laying any pipe or pipes, or otherwise for the purpose of conveying water to or from said water works, through any lot or piece of ground, the property of any individual, who may consider himself thereby aggrieved, a jury shall be summoned to assess said damage, in the same manner as is provided in cases where canals pass through the lands of individuals; and when said damage shall be thus assessed, the said Commissioners shall forthwith pay the amount of any such damage out of the city Treasury.

Commissioners allowed to convey water through any lot or piece of ground.

Damages to be assessed by a jury.

And whereas the citizens of Raleigh have been at considerable expense in providing the city with a Fire Engine and other implements for the purpose of extinguishing any fire which may break out in said city—

Repealed by  
act of 1826.

*Be it further enacted*, That such citizens as may form themselves into a fire company, for the purpose of working said engine at any fire which may take place, and whenever they shall be called upon by the captain of said company, to exercise said engine, for the purpose of seeing that it be kept in good order, be exempted from military duty, (except in time of insurrection, invasion or war,) and provided such company shall not exceed forty in number, and that they be subject to such rules and regulations as may be adopted by the Commissioners of the city or said fire company, and provided they produce from the captain of said company a certificate of their enrolment, and of their having faithfully performed their duty therein, since the period of their enrolment.

Read three times and  
ratified in General  
Assembly, the 22d  
day of Dec. A. D.  
1821.

JAMES MEANE, S. H. C.  
B. YANCY, S. S.

A true copy :

W. HILL, Secretary.

1824-'5 *An Act to provide against the introduction and spreading of contagious or infectious diseases in this State.*

Duty of offi-  
cers of police

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That, when a contagious disease shall be raging in any part of this State, or any part of the United States, it shall be the duty of the officers of Police of any incorpo-



rated town within this State, who may have what they consider well-founded apprehensions that their town is in danger of being visited by such disease, to take such precautionary measures, and provide such penalties for the breach of them, as to them may seem necessary and proper, the expense of which they are hereby authorised to defray out of any money at the time in their town Treasury ; or, if that shall not be in a situation to sustain the expense, to borrow such sum as may be necessary to defray such expense, and afterwards to raise the amount by a tax on the inhabitants of such town, over and above the ordinary taxes levied for the current expenses of such town.

Mode of paying the expense of precautionary measures.

*Be it further enacted,* That nothing herein contained shall be construed to lessen or impair the powers and authority of the Commissioners of the seaport towns and the Commissioners of Navigation, or other officers under the quarantine laws of this State, to prevent the introduction of diseases by vessels arriving at or near said seaport towns.

Nothing in this act to affect the powers already possessed by the commissioners of seaport towns.

*Be it further enacted,* That this act shall be in full force and effect from and after the ratification of the same, and that the public printer publish the same in such manner as to give the earliest information of this act.

Act to take immediate effect.

Read three times and ratified  
in General Assembly, this  
5th day of Jan. 1825,

A. MOORE, S. H. C.  
B. YANCY, S. S.

Copy:

W. HILL, Secretary.

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*An Act for the better protection of the City of Raleigh 1826-'7  
from losses by fire.*

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That a fire company be established in the city of*

Fire company how formed. Inhabitants to be enrolled. Citizens invited to form a company.

Volunteers not offering, the company to be made by draft.

Raleigh, in the following manner: The Intendant of Police and Commissioners of said city, shall, in the month of January in each year, enrol the free white male inhabitants of said city, of twenty-one years of age and upwards, (those only to be excepted who shall from age or infirmity, be unable to perform the duties of a member of a fire company,) and being thus enrolled, the said Intendant and Commissioners shall publicly invite such citizens, as choose to volunteer their services, to form a fire company for the said city, to consist of forty members, and if a sufficient number do not offer themselves as volunteers before the last Saturday in February, the said Intendant and Commissioners shall on that day draft from the enrolment which they have made, such number of men as shall be wanting to make up said company, who shall serve one year: and in all future drafts, those who have already served in said company shall be excused, until all the enrolled citizens shall have performed their tour of duty.

Members to choose their officers.

Members failing to choose their officers, officers to be appointed by the Board of Commissioners.

*Be it further enacted,* That immediately after the proper number of men have been obtained to form said fire company, the Intendant of Police shall call a meeting of the men thus volunteered and drafted, at the Court House in the city of Raleigh, for the purpose of electing a captain and four other officers of different grades, to be determined by the Board of Commissioners of said city, and chosen from said company; and in case such election does not take place at such meeting, the said Board of Commissioners shall appoint such officers, who shall serve until the next annual election; and in case of vacancies occasioned by death or otherwise, they shall be filled by the company, or by the Board of Commissioners as aforesaid.

Captain to exercise his company at least once in two months, under penalty. In his absence, this

*Be it further enacted,* That the captain of said fire company, shall call his company together for the purpose of exercise with the engine as often as he may deem it necessary, which shall be at least once in every two months, or on failure to do so, he shall be subject to a fine of ten dol-



ars for every such default; and in case of the absence from the city of the captain, inability or other cause, he cannot attend to his duty, the calling out of the men for exercise or any other duty of the captain shall devolve on the officer next in command, who shall be subject to like penalties, in case of failure to perform his duty, and on the failure of any member of the company to perform his duty, he shall forfeit one dollar for every such offence.

duty to devolve on the next in command. Members failing in their duty to be fined.

*Be it further enacted,* That it shall be the duty of the captain of the fire company to see that care be taken of the engine, hose, hooks, ladders and other apparatus belonging to the city; and whenever any repairs are necessary to the engine or to any other of the articles used by the company, he shall immediately give notice thereof to the Intendant of Police or one of the Commissioners, who shall lay the subject before the Board at its next meeting, so that the engine and other apparatus may always be in good order for service. Should any captain fail in his duty in this respect, he will be subject to a fine of ten dollars.

Engine and fire apparatus under the care of captain.

Notice to be given to Intendant of repairs wanted.

*Be it further enacted,* That whenever an alarm of fire shall be given, all the free male inhabitants of the city shall attend with their fire buckets, and render every assistance in their power to extinguish such fire, and to take care of any property that may be endangered thereby; such as are members of the fire company performing their duty under their proper officers, and others obeying the directions of those in authority: and any one failing to perform his duty on such an occasion to be subject to a fine of five dollars for every such offence.

Members of fire company and citizens generally subject to penalty for not performing duty in cases of fire.

*Be it further enacted,* That in cases of fire in said city, it shall be competent for a majority of the Commissioners of the city who may be present, if they deem it necessary to stop the progress of said fire, to cause any house or houses to be blown up or pulled down, for which they shall not be responsible to any one.

Commissioners to arrest fire by blowing up houses.

Oth'r engin's  
subje't to the  
same rules.

*Be it further enacted,* That in case another fire engine or other fire engines shall hereafter be procured for the use of the said city, another company or companies may be formed upon a similar plan, and subject to the same rules and regulations which are provided for the company now proposed to be formed for managing the same.

Members of  
fire compa-  
nies exempt,  
during their  
term of ser-  
vice, from  
militia duty.

*Be it further enacted,* That such men as are actually members of any fire company in said city, who may be subject to militia duty, shall be exempted from mustering during the period of such service, except the country should be at war.

Fines, how  
recoverable.

*Be it further enacted,* That all fines incurred under this act shall be recovered by warrant before the Intendant of Police of said city, or before any Justice of the Peace for Wake county.

Former acts  
repealed.

*Be it further enacted,* That all acts or clauses of acts, coming within the meaning of this act, be, and the same are hereby repealed.

Read three times and  
ratified in General  
Assembly, this 10th  
day of Feb., 1827. }

JAS. IREDELL, S. H. C.  
B. YANCY, S. S.

Copy :

WILLIAM HILL, Secretary.

1834.

*An Act to amend an act, passed in the year eighteen hundred and fourteen, entitled an act to revive the second section of an act, passed in the year one thousand eight hundred and one, entitled an act to revive an act, passed in the year one thousand seven hundred and seventy-five, for the regulation of the city of Raleigh, and to amend the same, and for other purposes.*

WHEREAS, by the third section of the said act, the Commissioners are authorized to class the citizens to act as a city



watch: and whereas, it is found difficult to procure the punctual attendance of the said watch for want of authority by the Intendant to appoint a captain thereof:

*Be it enacted*, That the Intendant of Police, or other persons appointed by the city Commissioners as directors of the watch, shall be authorized to appoint some one of each class as a captain thereof; and every person so appointed, who shall fail to serve or shall discharge his class before the time allowed by the city ordinance, shall for each and every offence forfeit and pay a sum not less than five, nor more than ten dollars, as may be provided by an ordinance of said Commissioners, to be recovered by warrant before the Intendant in the name of the Commissioners, for the benefit of the city: *Provided*, That no person above the age of sixty years shall be compelled to serve as captain of any watch.

Read three times and  
 ratified in General Assembly, the 13th  
 day of Jan. 1834. } WM. J. ALEXANDER, S. H. C.  
 W. D. MOSELEY, S. S.

A true copy:

W. HILL, Secretary.

1841.

*An Act to enable the Commissioners of Raleigh to appoint Trustees of the Rex Hospital Fund, and to erect such Trustees into a body corporate, and for other purposes.*

WHEREAS, John Rex, late of the city of Raleigh, and now deceased, did, by his last will and testament, amongst other things, devise, bequeath and direct as follows: "It being my desire to provide a comfortable retreat for the sick and afflicted poor, belonging to the city of Raleigh, in which they may have the benefit of skilful, medical aid, and proper attention, it is my will that a lot or parcel of

Preamble.

Preamble.

land containing twenty-one acres, adjoining the city of Raleigh, on the South end, being the same purchased by me of the Commissioners appointed for selling a part of the public lands, and which is comprised in the general devise of all my lands to the aforesaid Duncan Cameron and G. W. Mordecai, in trust as before mentioned, be appropriated to the erection thereon of an infirmary or hospital for the sick and afflicted poor of the city of Raleigh, and to, and for, no other use or purpose whatsoever. And for the endowment of said hospital, as far as I have the ability to do so, it is my will, that all the money belonging to me, all the debts due to me, and the rest and residue of my estate heretofore given, devised and bequeathed by me to the said Duncan Cameron and George W. Mordecai, in trust, and not otherwise specially appropriated, be and are hereby appropriated to the endowment of said hospital. And, whenever the constituted authorities of the city of Raleigh shall legally appoint trustees capable in law of holding the same, then the said Duncan Cameron and George W. Mordecai, or the survivor of them, or the executor or executors of the survivor of them, shall convey the said lot or parcel of land, and the fund accruing from the money belonging to me, the debts due, and the rest and residue of my estate, as above described, to the said trustees, so to be appointed in behalf of the city of Raleigh, all which shall be held by the said trustees and their successors, duly appointed, in trust forever, for the erection and endowment of such hospital, (and for no other use or purpose whatsoever;)" as will appear by reference to the said will, now of record in the Court of Pleas and Quarter Sessions of Wake county: and whereas, the Commissioners of the said city of Raleigh have no power to appoint trustees, so as to enable them to take under the said will, and the said Commissioners have applied to this General Assembly for an act to be passed, to enable them, in such form and with such limitations, as may seem just and reasonable, to appoint such trustees, and for confer-



ring on them and their successors corporate powers and succession, in order to carry into effect the design of the said testator; and the purpose of the testator appearing to the General Assembly to be wise and humane, and entitled to the assistance desired by the said Commissioners for fully carrying the same into effect,—therefore,

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That, so soon as the Commissioners of the said city shall deem the previous trusts of the said will to be satisfied, and shall desire to call the trustees and executors to account, they shall and may file their petition in the Supreme Court of this State, setting forth the said will, and such other matters as may be deemed proper and necessary, and therein propose and nominate five suitable and discreet persons, freeholders and residents of the said city, to be trustees for the purposes aforesaid, and the Court shall thereupon examine into the qualifications of the said nominees, and, if fully satisfied that each and every of them is a person of the proper intelligence, discretion and character for the adequate discharge, with ability and integrity, of the trust aforesaid, the said Court shall pass an order declaring the same, and affirming the joint nomination, and thereupon, and immediately after the entering of such proceedings in the said Supreme Court, the said five persons shall and are hereby declared to be a body corporate and politic, by the name of the “Trustees of the Rex Hospital,” and shall be able and capable in law to receive and hold the property and effects, devised and bequeathed by the said John Rex, in and by his said will, and to use and apply the same to and for the purposes (and none other) specified in the said will, and also to receive donations of lands or personal estate, either by deed or will, for the purposes aforesaid (and none other), and to have succession, to sue and be sued, and to have the other powers incident to corporations in regard to the charity created by the said will, and for no other purposes.

Commissioners nominate trustees to Supreme Court.

II. *Be it further enacted*, That when any vacancy or  
Vacancies. vacancies may happen by death, resignation or removal  
 from the city of Raleigh, of any trustee or trustees, or from  
 any other cause, his or their places shall be supplied by  
 nominations by the Commissioners of the city of Raleigh,  
 for the time being, with the approbation of the Supreme  
 Court, in manner aforesaid.

III. *And be it further enacted*, That the Commissioners  
 of the city of Raleigh, for the time being, may, at any and  
Correction of at all times, by petition in equity, in the Supreme Court,  
abuses, etc. call on the said trustees for an exhibition of their accounts  
 and doings in discharge of the trust; and such proceedings  
 shall be summary, and the Court may make any order or  
 orders thereupon from time to time as may be necessary to  
 enforce a strict compliance with the design of the testator  
 to correct and prevent abuses, to remove or displace any  
 trustee or trustees, who shall appear to have been guilty of  
 any wilful default or gross neglect in the discharge of his  
 duty, or to have become incompetent by bodily or mental  
 infirmity; and generally to do and order what shall seem  
 to the said Court best in the premises.

Ratified the 11th day of January, 1841.

1843. *An Act to amend the Act of 1792-'3, and the several sub-  
 sequent acts, for the Regulation of the City of Raleigh,  
 and to authorise the Intendant of Police and the Com-  
 missioners of said City to levy a special or guard tax for  
 said City.*

WHEREAS, It has heretofore been the custom to classify  
 the citizens of Raleigh into watches or guards, for the pro-  
 tection of the property, and for the preservation of the good  
 order of said city, thereby imposing as much duty on a mere



inhabitant or temporary resident of the city, as is performed by the wealthiest proprietor, and requiring the citizens to perform duty for the protection of the property of non-residents, when that property contributes nothing for its protection, which is onerous and unequal in its operation:

SECT. I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Intendant of Police and the Commissioners of the city of Raleigh shall have power to levy a tax of not more than twenty-five cents on the one hundred dollars worth of property, and one dollar on each taxable poll, for the purpose of hiring a guard or patrol for said city, to be levied and collected, as other taxes are now levied and collected; and the guard so employed shall have all the powers and authority belonging to the city watch or guards, as heretofore established.

Commissioners levy a tax.

SECT. 2. *And be it further enacted,* That this act shall go into effect immediately after its passage and ratification.

Ratified the 23d day of January, A. D. 1843.

*An Act to invest the Intendant of Police of the City of Raleigh with the same powers and authorities, within that Corporation, as is exercised by Justices of the Peace, and for other purposes.*

1843.

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Intendant of Police, of the city of Raleigh, for the time being, shall have the same powers and authorities, privileges and immunities, and may exercise the same duties, in civil or criminal cases, within the limits of said corporation, as now are, or may hereafter be

Intendant have same powers, etc. as Justices of the Peace.

Exception.

vested in Justices of the Peace, and shall be subject to the same pains and penalties for a violation of their duty, while acting as Justices aforesaid: *Provided*, That nothing in this act contained shall be so construed as to invest in such Intendant of Police the power of holding the County Courts.

Issue warrants, etc.

II. *And be it further enacted*, That, for the purpose of enforcing the powers and authorities hereby vested in him, the Intendant of Police aforesaid shall have power to issue his warrants or other precepts to the town constable, or the sheriff of the county, or any constable of the county.

III. *Be it further enacted*, That the Intendant of Police of the city of Raleigh, aforesaid, shall receive such fees, or be allowed such compensation out of the funds of the corporation, as may be allowed him, by the Commissioners of Police thereof.

IV. *Be it further enacted*, That all laws or clauses of laws, coming within the meaning and purview of this act, be and the same are hereby repealed, and that this act shall take effect and be in force from and after the first day of February next.

Ratified the 26th day of January, A. D. 1843.

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1845.

*Resolution in favor of the Commissioners of Raleigh.*

Gives free use of stone from quarry.

*Resolved*, That the Commissioners of the city of Raleigh shall hereafter be authorised and permitted to get from the State Quarry any loose stone they may want for public purposes, without charge, and that they be, and are hereby released and discharged from all claims against them by the State, for all the stone heretofore got by them from said quarry, to repair the streets, and for other public purposes.

Ratified the 7th day of January, 1845.



*An Act to protect from injury the Lots belonging to the State in the City of Raleigh.* 1847.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Treasurer of the State, Secretary of State, and Comptroller, be, and they, or any two of them, are hereby, authorised and directed to lease for a period, not exceeding two years, upon such conditions and terms as they may deem just and proper, any of the lots of land in the city of Raleigh, belonging to the State, and now occupied by private persons: Provided, That nothing herein contained shall be so construed as to authorise the sale or renting of the lot known as the Baptist Grove, on which the public school house and Baptist Church are erected.*

Ratified the 17th day of January, 1847.

*An Act to amend an act, passed in the year 1803, entitled an act for the Government of the City of Raleigh.* 1851.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That no person shall be entitled to vote at any election for Intendant and Commissioners of the city of Raleigh, unless he shall have resided within the limits of the said city for at least six months, and in the ward in which he offers to vote for at least ten days next preceding the day of election, paid city taxes within twelve months preceding the day of election, or, being a non-resident, shall own in fee simple real estate in the city of Raleigh, and shall have possessed said real estate at least six months preceding the day of election.*

Qualification  
of voters for  
Intendant  
and Commis-  
sioners.

Board fill  
vacancies.

II. *Be it further enacted,* That whenever an election shall be held for an Intendant and Commissioners of said city, it shall be the duty of the sheriff of the county of Wake to declare the persons receiving the highest number of votes to be elected; and, if there be a tie between any two of the candidates, so that no election can be made, then he shall certify this fact in his return; and the Board of Commissioners, at their first regular meeting thereafter, shall elect some person by ballot to fill the vacancy.

Intendant  
give casting  
vote.

III. *Be it further enacted,* That it shall be the duty of the Intendant to preside over all meetings of the Board of Commissioners, when present, and in all cases where there is a tie upon any question, he shall be entitled to give the casting vote.

IV. *Be it further enacted,* That the Commissioners of said city shall have power and authority to levy and collect a tax, not exceeding twenty-five dollars, on every billiard table, nine or ten pin alley, victualling house or restaurant, and upon every permission granted to retail spirituous liquors within the limits of said city.

Abol't license  
to retail spi-  
rituous  
liquors.

V. *Be it further enacted,* That it shall not be lawful for the Justices of the County Court of Wake to grant any license to retail spirituous liquors within the limits of the city of Raleigh, without the permission of the Board of Commissioners first had; and if any license shall be granted without such permission in writing, attested by the clerk of the Board of Commissioners first filed with the clerk of said County Court, such license shall be void and of no effect; and the person obtaining such license shall be liable to indictment, as in other cases of retailing without license, and to a penalty of twenty dollars for each and every offence, to be recovered by warrant, before the Intendant of Police or any Justice of the Peace, in the name of the Commissioners of said city for the use of said city.

Tax on hogs

VI. *Be it further enacted,* That the Commissioners of said city shall have power and authority to levy a tax of



not exceeding three dollars upon every hog kept running at large in the streets of said city.

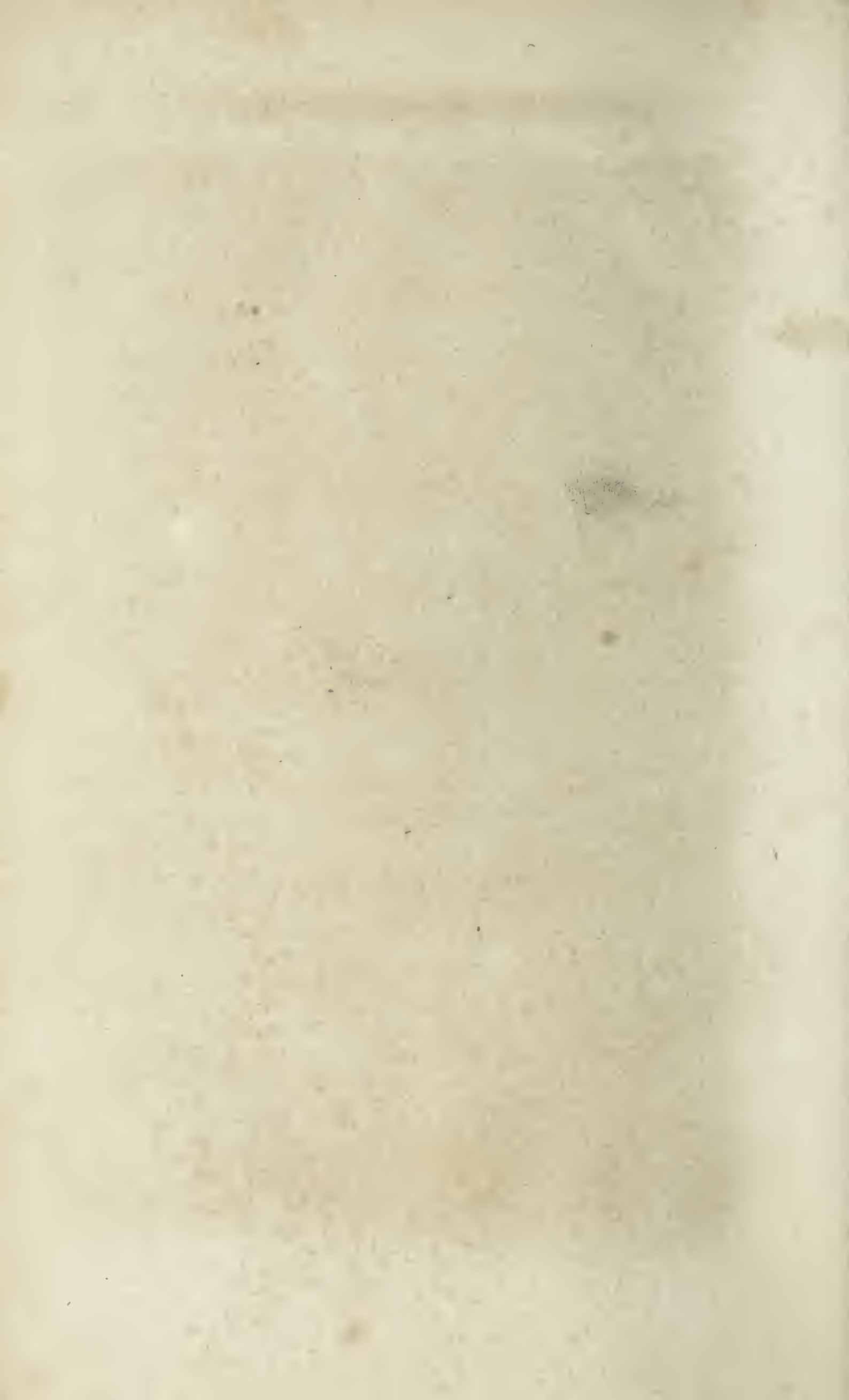
VII. *Be it further enacted*, That this act shall be in force from and after the passage thereof.

Ratified the 28th day of January, 1851.











ORDINANCES

AND

BY-LAWS

OF THE

BOARD OF COMMISSIONERS,

FOR THE GOVERNMENT OF

THE CITY OF RALEIGH,

NOW IN FORCE,

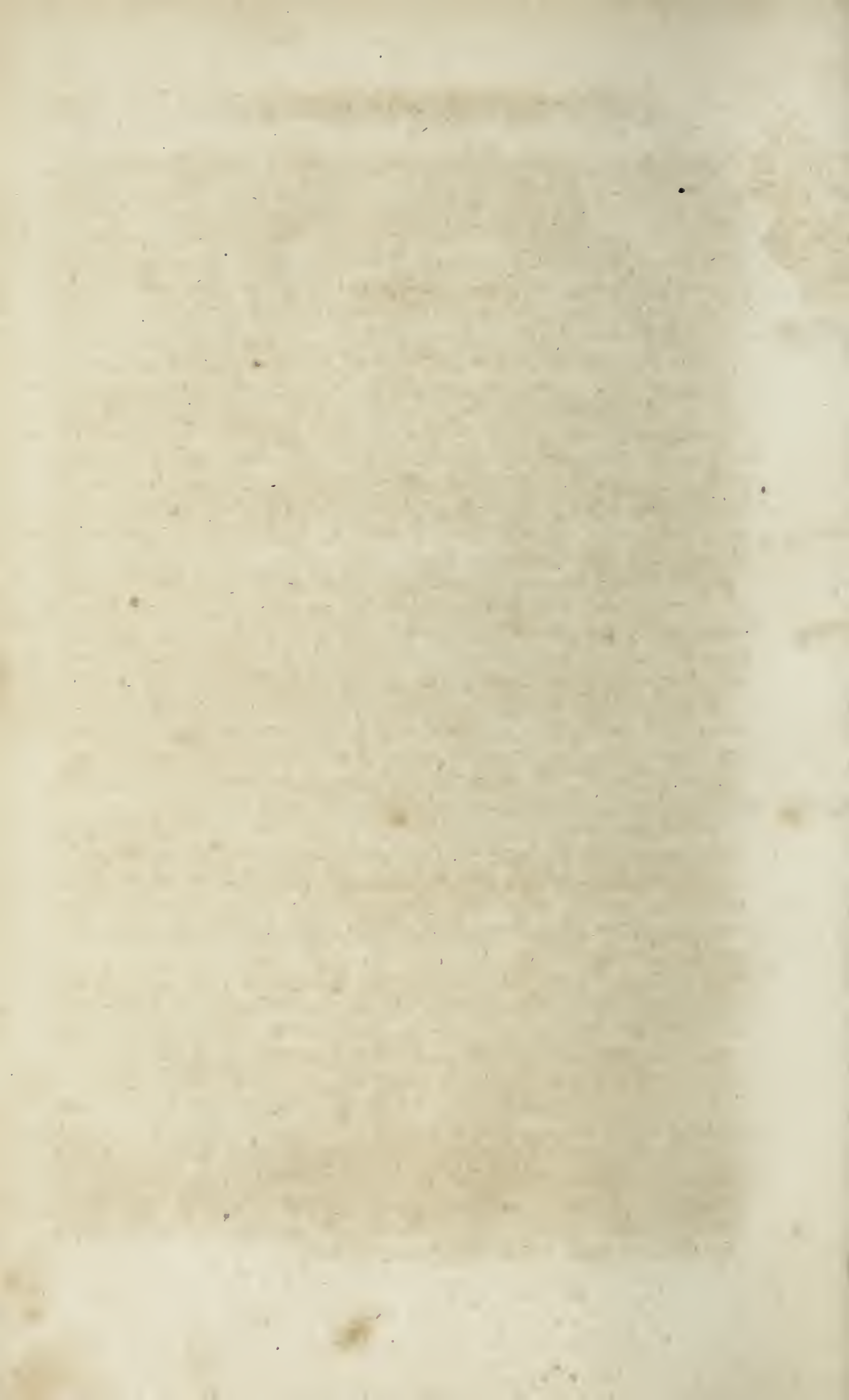
FROM THE YEAR 1803 TO 1854.

~~~~~  
RALEIGH:

SEATON GALES, PRINTER AND PUBLISHER.

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1854.





# ORDINANCES.

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## GENERAL REGULATIONS.

1. If any free person shall cut, fell or destroy, or cause to be cut, felled or destroyed, any tree, bush or underwood, growing or being on the Public Squares or Grounds, in or adjoining the city of Raleigh, he shall be deemed guilty of a misdemeanor, and shall forfeit for every such offence four dollars, with costs; and if any slave shall be guilty of the like offence, he shall receive not less than ten, nor more than thirty-nine lashes.

2. No citizen of Raleigh shall encroach upon the streets of said city, by erecting any piazza, porch, paling, chimney or other building within the same, except the necessary fencing of any trees, on pain of being obliged to remove the same, or of paying such an annual fine to the Commissioners as shall be determined upon by them.

3. No wood, brick, stone, earth or other substance shall be suffered to lie in the public streets of the city. Offenders failing to remove any such obstruction to the free passage of the streets, within twenty-four hours after being required to do so by a Constable of the city, shall forfeit for every such offence four dollars.

4. No chimney shall be erected within the City of Raleigh of any other material than stone or brick, on pain of having the same removed, or forfeiting, after notice given to the tenant or owner by the Intendant of Police or City Constable, for the first month such chimney shall remain standing, twenty-five dollars, and for every succeeding month, four dollars.

5. The citizens of Raleigh may plant trees or posts in front of their houses in the streets of the same, at the distance of twelve feet from the line of the street; and if any person shall mischievously cut or destroy any such tree or post, he or she shall, upon conviction, pay twenty-five dollars, with costs: and if a slave shall be guilty of the like offence, he shall receive not less than ten, nor more than thirty-nine, lashes.

6. No person shall discharge any gun or other fire-arms within any of the streets or public squares of the city, or upon any lot of the same, (excepting his own lot,) on pain of forfeiting four dollars for every such offence. Or, if the offence be committed in the night, the offender shall forfeit twenty-five dollars.



7. No free negro or mulatto shall be permitted to reside in the city, without obtaining a permit from the Board of Commissioners, which will not be granted until the Board be satisfied that the applicant supports an honest, industrious and peaceable character; and which shall be forfeited on misbehavior. For such misbehavior, each offender shall forfeit and pay the sum of four dollars, to be recovered by warrant in the name of the Commissioners of the city, one-half thereof to the use of the city, and the other half to the informer. And, if any mulatto or free person of color shall, after conviction aforesaid, continue to reside in the city, in violation of this Ordinance, he, she or they shall be again liable to the same penalty aforesaid.

8. No slave shall leave his master's or mistress's lot, after nine o'clock at night, without a permit, on pain of being taken up and committed to jail by the City Watch for the night, and of being brought before the Intendant of Police, for examination, next morning.

9. No person shall take water from any of the public pumps in barrels, nor water a horse at either of the pumps, on pain of forfeiting a dollar, if a free person, or of being whipped, if a slave.

10. Free persons of color gaming with slaves, within the limits of the city, shall, for every such offence, be fined not exceeding twenty-five dollars, nor less than four dollars. Slaves gaming with each other, or with free persons, shall be whipped at the discretion of the Intendant, not exceeding thirty-nine lashes.

11. Persons committing wanton injury on the property of any inhabitant of this city shall, on conviction, be fined not less than four dollars, nor more than fifty dollars, at the discretion of the Intendant of Police.

12. No house or store, in which spirituous liquors are retailed, shall be kept open after ten o'clock at night, on pain of forfeiting four dollars.

13. No person shall throw anything into the gutters of the public streets, which may obstruct the free passage of the water, on pain of forfeiting, on conviction, one dollar. If a slave be guilty of the same offence, he shall be subject to be whipped, at the discretion of the Intendant of Police.

14. If any person shall wantonly throw filth or rubbish of any kind into any of the public wells, or in any manner injure the works thereof, he shall be subject to a fine not exceeding twenty-five dollars, nor less than four dollars. If a slave shall be guilty of the like offence, he shall be whipped, at the discretion of the Intendant.

15. The city Constable shall have full power and authority, in case of his meeting with resistance in the execution of his official duties,



to summon a sufficient number of persons to aid and assist him in the execution of his duties, and if any person, so summoned, shall neglect or refuse to aid and assist, the Constable is hereby directed to make return of the names of such person or persons so refusing to aid and assist, to the Intendant, who is required to proceed against such person or persons as the law may direct. The city Constables shall have power to enter the enclosure and house of any person, when they have good reason to believe any of the laws of the State or ordinances of this city are violated, without having a warrant or warrants, for the apprehension of any person or persons, and, if necessary, they may summon a posse to aid them, and each and every one so summoned shall have the like authority.

16. When any person or persons shall be found offending against any of the city ordinances that are or may be in force, and shall make his, her or their escape from the city Constables, it shall be the duty of the said Constables to lodge information immediately with the Intendant of Police for the city, who is empowered and required to issue his warrant to apprehend such offender, and on sufficient evidence to take the same proceedings against, and inflict the same fines or corporal punishment on, such offenders, when brought before him, as they would have been liable to, if they had been apprehended and brought before him without such warrant, or without first having made his, her or their escape.

17. No person shall be allowed to fasten a horse, mule, &c., to the fence inclosing the Capitol Square, on pain of forfeiting one dollar; and every person finding a horse, etc., so fastened, will be justified in letting him loose. Any person fixing a horse-shoe, hook, or other thing to said fence, for the purpose of fastening horses, etc., thereto, shall, if a free person, forfeit ten dollars; and, if done by a slave, he shall be whipped, at the discretion of the Intendant of Police.

18. If any person shall feed any horse or horses, mules or other animals, on any of the streets except those immediately in the vicinity of the Railroad Depots, or shall hitch either of the said animals to any shade trees in the city, he shall, on conviction before the Intendant of Police, be fined five dollars and the cost of the warrant for each offence; and the city Constables are hereby directed to enforce this ordinance; said fine to be recovered by warrant, in the name of the Commissioners of the city of Raleigh.

19. No person shall deposit in any of the streets of the city any quantity of clay or dirt, without permission of the Board of Commissioners, on pain of forfeiting four dollars for every such offence. Every slave guilty of the like offence, on conviction, shall be whipped.



not exceeding ten lashes; and each and every distinct act of depositing clay or dirt, shall be considered a new and distinct offence.

20. None of the public squares of the city shall be cultivated or occupied in any manner, on pain of forfeiting ten dollars; and every continuance of such occupancy or appropriation, after due notice given by the Intendant of Police to relinquish the same, shall be considered and punished as a fresh offence.

21. If any male slave shall be guilty of rude, indecent or offensive behavior towards any white female, in any of the streets or public grounds of the city, either by night or day, so as to insult or alarm such female, he shall, on conviction, be whipped at the discretion of the Intendant of Police.

22. If any slave shall offer for sale any food, fuel, forage, or other commodity, in the night time, without permission in writing from his master, mistress or overseer, such commodity may be seized by a city Constable; and if, after advertising the same for ten days, no owner of what is so seized shall appear, it shall be sold at the market-house, and one-half of the proceeds shall go to the officer seizing the same, and the other half to the city treasury.

23. The Constables for the city of Raleigh shall be appointed for three months only, at the first meeting in the months of January, April, July and October, in each and every year.

24. All offences shall be tried before the Intendant of Police, or in his absence, etc., before a Justice of the Peace, and all fines shall go, one half to the city fund, and the other half to the person who brings offenders to conviction.

25. To every stove erected within the city, there shall be an iron or brick hearth, extending one foot in front and one each side, and the pipe to every such stove, if it pass through the wall or roof of the house, shall extend four feet from the same, and such pipe shall have a cap or elbow fixed to the end of it, and shall not be placed within eight feet of any other building; and it shall be the duty of the city Constables, from time to time, (and especiallye very Fall,) to examine the stoves erected in the city, and if they be not constructed in conformity with the above regulations, they shall give directions to their owners to have them so fixed; and if such directions be not carried into effect, within a month from the date at which they are given, the owner shall be subjected to a penalty of five dollars.

26. If any inhabitant of the city shall suffer a chimney in his house to take fire, so as to blaze out at the top, (except in rainy weather,) he or she shall be subject to a fine of four dollars.

27. No blacksmith's or baker's shop shall be erected in that part of the city, which is limited by Blount street on the East, Cabarrus street on the South, McDowell street on the West, and Jones'



street on the North, unless said shops shall be made fire-proof. Any person offending against this regulation will subject himself to a fine of fifty dollars; and for every month such prohibited building shall be kept up, a like forfeiture will be incurred.

28. No buildings of wood or perishable materials shall be built on the squares in the city of Raleigh bounded by Morgan street on the North, by Salisbury street on the West, by Martin street on the South, and by Wilmington street on the East; nor, shall any wooden houses be removed from any part of the city, or from any other place, on said square, under a penalty of forfeiting ten dollars for every week that any such building shall remain thereon, to be paid to the city Treasurer, to be applied to the improvement of said city.

29. No shavings or other fuel, except the fire which blacksmiths may require in tiring wheels, shall be hereafter burnt in any of the streets of the city; and every person who shall violate this ordinance, by setting fire to shavings or other fuel in any street of this city, except blacksmiths as aforesaid, or cause the same to be done in the day time, and shall not extinguish it before dark, shall, for each offence, if a free person, forfeit and pay five dollars, to be recovered by warrant before the Intendant of Police, in the name of the Commissioners of the city of Raleigh, one moiety whereof shall go to the city fund, for the use of the city, and the other moiety to the party suing for the same; and if the offender be a slave, the punishment, on conviction, shall be whipping not exceeding thirty-nine lashes.

30. Every owner or proprietor of a lot in this city, on which there is an open cellar, or on which any cellar may hereafter be opened, if the same be situate on a public street, shall erect or cause to be erected in front thereof, and on the side also, where the same lies exposed, a temporary fence, railing or barricade, on pain of forfeiting one dollar for every day that said owner or proprietor may refuse or neglect to erect the same, to be recovered by warrant before the Intendant of Police, and to be applied to the use of the city.

31. If any person shall sell goods by auction in the city of Raleigh, without authority from the Commissioners of the city, he shall forfeit and pay ten dollars for every such offence, for the use of the city, to be recovered by warrant in the name of the Commissioners aforesaid, before the Intendant of Police.

32. That any person or persons, who shall remove or cause to be removed any sand from the streets, or loam or clay from any square or lot belonging to the city of Raleigh, either within or beyond the corporation, shall for each offence be fined the sum of four dollars; and it shall be the duty of the officers of the city to report to the Mayor immediately any infringement of this ordinance, and he shall



issue his warrant, and cause the offender to appear before him, and, on conviction, the above fine of four dollars shall be paid, with all costs which may attend the same.

33. The cisterns shall be under the charge of the Pump Committee, whose duty it shall be at all times to keep them well filled with water, to be used in case of fire, and on no other occasion.

34. The city Constables shall be directed to notify all persons having trees in front of their lots in the city, to have the same properly trimmed, so as not to obstruct the passage of the streets, and if the owner or occupants of the lots refuse to do the same, they are in all cases to be trimmed under the supervision of the city Constables, and the owners or occupants of the lot be charged with the expense of said work, and the amount to be recovered by warrant, in the name of the Commissioners, before the Intendant of Police.

35. No person shall ride or drive any horse or horses with greater speed, in the city of Raleigh, than at the rate of six miles an hour, under the penalty of five dollars for each and every offence, to be recovered of the owner or driver thereof, severally and respectively.

36. No person shall suffer or permit to go, or lead, or ride, or drive any horse upon any of the side-walks in the city of Raleigh, under the penalty of one dollar, to be paid by the owner or person having the care, charge or keeping thereof, severally and respectively: And no person shall run, or race, or strain any horse in any public street in the city of Raleigh, nor shall consent to or suffer such racing, under the penalty of twenty dollars, to be recovered of the person or persons who shall race, or suffer or permit such racing, and the owner, rider and the person having the charge of any animal which shall so race or run, severally and respectively: And, any free negro or slave violating any one of these ordinances, and failing to pay the penalty prescribed, and the master or mistress of the slave refusing to pay, shall be whipped at the public whipping post, on his or her bare back, not more than thirty, nor less than ten lashes, at the discretion of the Intendant.

37. No person shall stop any cart or wagon, carryall, gig or carriage on any of the side-walks of any street, so as to obstruct the passing to and fro of foot passengers, under the penalty of one dollar, for so stopping, and of twenty-five cents for every five minutes they shall remain after having been notified to move off, to be recovered of the owner, driver or person having the charge thereof, severally and respectively; and if a slave or free negro shall violate this ordinance, unless the penalty is paid either by them or their master or owner, he or she shall receive not more than twenty nor less than ten lashes, at the discretion of the Intendant: *Provided, nevertheless,*



the driving of a cart or wagon on the side-walk to deliver wood shall not be considered a violation of this ordinance, provided the wood is thrown out without unnecessary delay, and as soon as the wood is delivered or thrown out, the cart or wagon is removed from off the side-walk.

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### THE SABBATH.

1. If any free person shall be taken up and convicted for disorderly conduct on the Sabbath, he shall be fined not exceeding four dollars, which fine, if not paid when demanded, may be recovered by warrant.

2. It shall be held to be a violation of the good order of the Sabbath, for any slaves or free persons of colour to be loitering in any of the public streets of the city; and it shall be the duty of the city Constables to take up any such person or persons of color so offending, and if no responsible white person will give a verbal pledge to the officer, that the offender or offenders shall appear before the Intendant of Police or some Justice of the Peace resident within the city, the following morning, he, she or they shall be committed to jail, and, after due examination, shall be whipped or otherwise dealt with, at the discretion of the Intendant or Magistrate.

3. It is made the duty of the city Constables to disperse any unlawful assemblage of negroes which may be found about the market house, or in any other part of the city, on the Sabbath day, and to apprehend such as may be disorderly, and carry them before the Intendant of Police.

4. Slaves from the country, found in the city on the Sabbath, or in the night, without a pass from their masters, mistresses or overseers, shall be taken up by the city Constables and carried before the Intendant of Police; and the city Constables are directed to patrol the city for the purpose of apprehending such disorderly slaves.

5. No free person shall be allowed to play at any games on the Sabbath day, within the limits of the city of Raleigh, on pain of forfeiting for every such offence four dollars; and if any slave offend in this respect, he shall be whipped at the discretion of the Intendant: and every proprietor of a Five-Alley or other Sport-Ground, permitting games to be played on the Sabbath, shall forfeit, on conviction, twenty-five dollars.



6. It shall be the duty of the Constables of the city of Raleigh to go over the whole city and suburbs at least two Sundays in every month, and diligently search every suspected house and nook, for the purpose of preventing the assemblage of any slaves or free negroes, of apprehending any person or persons who may be found violating any of the laws or ordinances of the city or of the State, and of ferreting out and bringing to justice all offenders against the peace and good order of society.

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### THE MARKET.

1. The chief city Constable shall be clerk of the Market, with a competent allowance for his services, whose duty it shall be to inspect whatever is brought to Market, to preserve good order therein, to rent out the stalls and receive the money therefor, and pay the same over to the city Treasurer, and to see that these regulations be, in all respects, strictly observed. In case any meat or other article be offered for sale, which the Clerk of the Market shall deem unfit, unsound or unwholesome, he shall direct it to be withdrawn; and if this direction be not complied with, the person offering the article objected to shall be subject to a fine of two dollars. And if any person attending said Market shall appear there intoxicated, or shall act in a rude and disorderly manner, he shall be taken before the proper authority, and, on conviction of any such offence, be subject to a fine of two dollars, or imprisonment for a period not exceeding ten days, at the discretion of the Intendant of Police or Justice of the Peace, by whom the case shall be examined. And in case any person shall fail to leave the Market House, and remove therefrom the articles which he may have exposed there for sale, within fifteen minutes after the hour for closing the same, (the arrival of which is to be announced by the ringing of a bell,) he shall be subject to a fine of two dollars. During the Summer season, meat and other provisions may be exposed for sale in the Market House on Saturday evenings, provided that the house be always cleared by nine o'clock P. M.

2. For every beef or calf exposed to sale by the retail in the Market House or square, in the city, shall be paid on demand to the Clerk of the Market, for the privilege of the use of the Market House or square, by the person exposing the same, fifteen cents; and for every sheep or lamb exposed to sale in the same, five cents:



*Provided*, That no persons who have rented stalls in the Market House shall be subject to said tax.

3. If any person or persons shall refuse to pay the tax herein laid, the Clerk of the Market may refuse him or them admittance to the Market House, or may recover the same by warrant, before the Intendant of Police of said city.

4 It shall be the duty of the Clerk of the Market to attend the same from sunrise to eight o'clock in the Summer, and from sunrise to nine o'clock in the winter, to receive the aforesaid tax, and keep a correct account of such receipts in a book to be procured for that purpose.

5. No person shall be permitted to expose to sale in the Market House cider or other liquor; and any one exposing to sale in the Market House, or within twenty feet thereof, any cider or liquor, if a white person, he or she shall forfeit ten dollars; if a colored free person, he or she shall forfeit four dollars; and if a slave, his or her master or mistress, knowing and approving the act, shall be subject to a fine of ten dollars; and if such slave shall have behaved him or herself in a disorderly manner, he or she shall be whipped at the discretion of the Intendant of Police.

6. If any person shall at any time be found in a state of intoxication in the Market House, or behaving in a disorderly manner therein, or idly lying on the benches thereof, if a white or colored free person, he shall be subject to a fine not exceeding ten dollars nor less than four dollars. And it is made the express duty of the city Constables or Clerk of the Market, to apprehend and carry every such person before the Intendant of Police.

7. Of the six stalls in the Market House, four shall be rented to butchers of good character, who shall engage to supply said Market regularly with the best meat that can be procured in the vicinity; and the two remaining stalls shall be reserved for the use of the neighboring planters, who may furnish occasional supplies to said Market. No other than sound, wholesome meat, shall be allowed to be offered for sale in the Market; good order and decency of behavior shall be observed by the butchers and other venders, and by all who attend the Market; the Market House shall be kept clean and orderly, and shall be daily cleared of all marketable articles, in Summer, at 10 o'clock in the forenoon, and at all other seasons, at 12 o'clock, at noon.

8. It shall not be lawful for any shop-keeper or other person to buy any article of provisions, provender or country produce at the market, (water-melons and other melons excepted,) for the purpose and with the intention of selling the same again, before the hour of eight A. M., from the first day of April to



the first day of October, and the hour of nine A. M. from the first day of October to the first day of April in each and every year, under a penalty of four dollars for each and every violation of this ordinance, to be recovered by warrant before the Intendant or any Justice of the Peace, for the use and benefit of the city of Raleigh.

9. No article of produce shall be exposed to sale within the limits of the city, before eight o'clock in the morning on any day during the months of May, June, July, August and September, or nine o'clock in the morning on any day during the residue of the year, except at the Market House, and any person purchasing such article or articles, either in person or through the agency of their servants and others, contrary to such restrictions, shall forfeit and pay five dollars for each and every offence, together with the costs of prosecution, one-half of which penalty shall be paid to the informer and the other half into the city treasury: *Provided, however,* That the said restriction shall not extend to contracts previously made by any inhabitant of the city with persons residing in the country.

10. All corn meal sold within the limits of the city of Raleigh shall be by weight, and fifty pounds thereof shall be considered equal to a bushel. Any person who shall sell meal contrary to the said regulation shall forfeit and pay for each bushel so sold one dollar, one-half of the said penalty for the benefit of the person prosecuting for the same, and the residue to be paid into the city treasury.

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### PARSONAGES.

1. The Parsonages belonging to the different Religious denominations shall be exempt from city taxes.

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### NUISANCES.

1. No tanyard or slaughter-house shall hereafter be established within the limits of the city. Those already in existence shall be kept as clean and free from stagnant water as circumstances will allow; they shall be suffered to continue so long only as their proprietors obey the requirements of the Commissioners as to their cleanliness.

2. Stagnant water in cellars or other places shall be removed, on notice from the Intendant to the person so offending, on pain of forfeiting four dollars for every day it shall remain after such notice.



3. It shall be the duty of every occupant of a city lot to remove from the same any dead animal or other nuisance which may happen to be thereon, without the limits of the city, at least one hundred yards from the bounds thereof, and from any public road, on pain of forfeiting four dollars.

4. No privy shall be permitted to stand so near any public street as to be offensive to passengers, (they shall be at least ten feet from the street,) on pain of the owner or occupier of such property forfeiting four dollars; and if continued, after a conviction has taken place, four dollars for every day it shall remain; all privies to be effectually cleansed once in every three months; and within the first six days of July and September, annually, in order to prevent them from becoming offensive, their occupiers shall throw into them a sufficient quantity of lime or ashes, on pain of forfeiting for neglect four dollars.

5. No privy within the limits of the city shall be suffered to remain exposed in such a manner as that a hog or pig can enter therein, under the penalty of ten dollars, to be collected by warrant: *Provided*, That in every instance the owner of such privy shall have received ten days' notice from the city Constable of his liability to such penalty, and he shall have failed to repair his lot accordingly.

6. No inhabitant shall be suffered to convey out of his or her kitchen the dish-water and other slops, into any of the streets of the city, on pain of forfeiting four dollars, and one dollar for every day it shall remain after the Intendant shall have given notice to the owner to have it removed.

7. Any one throwing filth in the streets, ditches, gutters, &c., from the jail privies or otherwise, shall be fined ten dollars for every offence, one-half to go to the informant and the other half for the benefit of the city: if it shall be a slave, the penalty shall be thirty-nine lashes on his or her bare back; the fine to be recovered and the penalty of the slave to be by warrant before the Intendant of the city.

8. No hog-sty shall be located within twenty-five feet of any public street within this city; and if any such sty should be located contrary to the meaning of this ordinance, and the person or persons fail to discontinue it, on being notified by the proper authority, within two days, they shall be fined five dollars, and one dollar for each day it may be allowed to stand.

9. It shall be unlawful to fire and discharge fire-crackers, torpedoes, &c., in any of the streets or public grounds of this city, under a penalty of arrest for each and every offence against this ordinance, to be brought before the Intendant of Police, to be adjudged



of and the penalty affixed, if a negro; and if a white person, and it appear a wanton violation, then the fine shall be not less than one dollar nor more than three dollars.

10. It shall not be lawful hereafter for any person to exhibit any stud-horse or jackass in the streets of the city of Raleigh, or to put any mare to a stud or jack, within the limits of the said city, and each and every person concerned in so putting a mare to a stud or jackass, or in aiding or assisting in putting them together, or in causing the same to be done, contrary to this ordinance, shall, for each and every offence, forfeit and pay the sum of ten dollars, to be recovered by warrant before the Intendant of Police, and applied one-half to the use of the city, and the other half to the use of the informer.

11. Any person who shall be found guilty of the act of loud hallooing, screaming or making any loud or extravagant noise with horns or trumpets of any kind, (except in case of fire,) in the city of Raleigh, either in the day or night time, shall, upon conviction thereof, be subjected to a fine of five dollars and cost of warrant, for each offence, and if a slave to be publicly whipped, at the discretion of the Intendant of Police.

12. A fine of five dollars shall be imposed for every goat running at large in said city—the said fine to be paid by the owner or owners of said goats.

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## D O G S .

1. It shall be the duty of each and every person, at the time of giving in his, her or their annual list of taxable property for the city, to declare, on oath, the number of dogs or sluts over three months old, that he, she or they may own, or which may belong to any person boarding or residing in his, her or their family or families, or to any slave in his, her or their family or families, or employment.

2. Should any person or persons, living within the limits of this city, fail to give in their dog or dogs, or slut or sluts, in the manner prescribed, he, she or they shall forfeit and pay the sum of two dollars for each dog or slut so omitted, to be recovered by warrant before the Intendant of Police, or any Justice of the Peace for the county of Wake, to go to the city Treasury.



## THE GRAVE YARD.

Is divided into four squares. The two Northern squares are for the use of the citizens and their friends. Strangers to be interred in the South-Westerly square, and negroes and persons of color in the South-Easterly square.

2. All graves to be due East and West, and five feet in depth.

3. No Grave to be opened until it is marked out by a city Constable, on pain of forfeiting not more than fifty dollars, nor less than two dollars: said city Constable allowed twenty-five cents for each grave marked out by him, to be paid by the city Treasurer.

4. Any person may locate and inclose, for the exclusive use of his family, any quantity of ground, not exceeding three hundred square feet, on paying therefor, if residing in the city, four cents per square foot to the city Treasurer; if residing out of the city, fifteen cents per square foot.

5. It is earnestly recommended by the Commissioners, for the sake of keeping the springs and wells of the city uncontaminated, and from other weighty considerations, that the citizens desist from the practice of interring their dead in private lots.

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THE CITY NIGHT WATCH,

Consisting of such a number of competent persons as the Board of Commissioners may fix upon, shall be elected every three months.

2. The Watch shall be under the control of the Intendant of Police, who shall call them out at such times (not less than four nights in each week) as he may judge necessary, under the following regulations:

1st. The Watch shall report to the Intendant on each morning succeeding duty, and shall also repair daily to his office, for the purpose of receiving the Guard order.

2d. The Watch is to patrol the streets till a certain hour in the morning, which the Intendant prescribes; they are directed to secure in jail all suspicious or disorderly persons, whether white or black, until morning, when they are dealt with according to law. The Watch is to be particular in respect to fire; in case of any breaking out, the bells are to be rung, in order to alarm the citizens. The Watch is not to enter any house, yard or kitchen, except in pursuit of a fugitive, or where some disorder may be heard. They are not to inflict any punishment, except under extraordinary circumstances,



but leave this to be directed by the Intendant of Police, to whom they are to report in the morning.

3. Whenever any member of the Guard is unable, from sickness or other unavoidable cause, to act, he shall have the fact made known to the Intendant, who is hereby authorized to employ a substitute for the particular occasion,—the expense of such substitution to be deducted from any amount due the absentee.

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### FIRE COMPANIES.

1. The Intendant shall forthwith (and hereafter during the month of January in each and every year) take the necessary measures, in pursuance of the act of the General Assembly of 1826-'7, for organizing three Fire Companies for this city, two of the said companies to consist of forty men each, and the other of twenty, (to be increased to forty, if necessary,) the first two to be known as Fire Companies, Nos. 1 and 2, and the other as the Hook and Ladder Company.

2. It shall be the duty of the said companies to meet at such time and place, for exercise and inspection, as may be directed by the captains of the several companies, whose duty it shall be to cause notice to be given to their respective members, and in case any officer shall fail to give such notice, or to appear at such time and place, without a good and sufficient excuse for such failure, he shall be subject to a fine of ten dollars for every such default: and in case of failure by a private member to appear, he shall be subject to a fine of one dollar.

3. It shall be the duty of the said companies, upon the alarm of fire, to proceed at once to the engine-house, and thence with their respective machines to the fire; where they shall be under the control and direction of their captains respectively, and in case of fire, if any of the officers of the said company shall fail to appear, or shall absent himself from his duty, he shall be subject to a fine of twenty dollars for every such default, and may be removed from his office by the Board of Commissioners, or, if a private member, to a fine of five dollars for every such default.

4. It shall be the duty of the captain of each company to keep a roll of the members of his company, which roll shall be called whenever the company may be ordered out for exercise, and also at every fire; and it shall be the duty of the captains to return to the Commissioners a list of the members absent, or who being present shall



refuse to perform their duty, who shall cause the delinquents to be notified, and unless good and sufficient excuses are rendered, shall confirm the fines herein named, and direct the same to be collected at their next regular meeting thereafter, and to be paid into the city treasury.

5. It shall be the duty of the several captains to be present at each meeting of their respective companies for exercise and at every fire, and to take the entire charge and direction of said companies at such fire, to inspect the engines, hooks and ladders, and report to the Board any neglect, injury or abuse of the same, to recommend such alterations or repairs as they may deem necessary to the Board of Commissioners, and especially to see that there is at all times a full supply of water, as far as the means of the city will permit.

6. In case of fire, it shall be the duty of the Intendant of Police to attend and take charge of the Police Department; in case of the removal or exposure of property, he shall detail a sufficient number of citizens, not members of the Fire Department, who shall constitute an auxiliary police force, whose duty it shall be, under direction of the Intendant, to guard all exposed property, and detain all suspicious and disorderly persons, and do whatever may be lawfully done to protect the rights of the citizens and preserve the public peace.

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## PUBLIC SCALES.

1. All fodder, oats, hay and other provender, sold in this market, shall be weighed at the public scales, and the Weigh-Master shall give a certificate of the weight of the load, and also of the cart or wagon when unloaded, and if any person shall sell or buy any fodder, oats, hay or other provender, without the same being weighed, as herein directed, he or they shall be fined the sum of five dollars for each offence, one-half to the informant, and the other half to the city, to be recovered by warrant before the Intendant or any Justice of the Peace.

2. There shall be a Weigh-Master appointed, whose duty it shall be to take charge of the scales, and weigh all articles which may be offered, giving a correct certificate of the weight, signed by himself. The Weigh-Master shall make the following charges: For each load weighing less than five hundred pounds, ten cents; more than five hundred and less than one thousand pounds, fifteen cents; over one thousand pounds, twenty cents.

3. The Weigh-Master shall keep a correct account of the name of the person, the weight of each load, and the amount charged for



weighing, and shall be entitled to one-half of the receipts for his services.

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### CITY HALL.

1. No Commissioner shall give his consent, out of the Board, for any person to give or hold any lecture or performance in the City Hall.

2. The City Hall shall be gratuitously used for the following purposes, to wit: Public meetings of the citizens, meetings of the Commissioners of the city, Fire Companies, Uniform Military Companies, City Watch, and private associations or societies of the city.

3. The sum of five dollars shall be paid for each ball or dancing party, or for each concert or other exhibition per day or night by itinerant persons.

4. It shall be the duty of the city Constable to collect the same every night, and the next morning pay over four dollars to the city Treasurer, and take his receipt for the same, retaining one dollar as his compensation for attending to the putting out of the fire and lights, and locking the doors after the company have left.

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### TAX ON CIRCUS, SHOWS, &c.

1. A tax of fifteen dollars per day and night shall be imposed on every Circus exhibition or performance; ten dollars on every menagerie per day and night; five dollars on every Show, Concert or other exhibition or performance within the city per day and night, with use of City Hall; five dollars per year on every organ-grinder or street musician of any kind; and that the city Constables be directed to collect the same and pay it over to the city Treasurer.

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### LICENSE.

1. The Intendant shall have power to employ an Attorney to take charge of and defend all cases coming before the County or Superior Courts of Wake, involving a violation of the city charter and laws, relative to license or any other matters, and he shall be allowed the usual fee in all cases in which he may act.



2. A tax of twenty-five dollars shall be imposed on each person obtaining a recommendation to the County Court from the Commissioners to retail spirituous liquors by the small measure, and the applicant shall pay the above sum to the Clerk before the recommendation shall be issued by the said Clerk of the Board of Commissioners.

3. The Commissioners of the city of Raleigh will not sign any recommendation to the County Court for persons to retail spirituous liquors, or cause applicants to be recommended, except the Board of Commissioners shall be in session, as they consider any recommendation signed out of the Board illegal.

4. The Commissioners will not act on any application for license to retail spirituous liquors, except at the regular meetings of the Board.

8. No person shall be recommended by the Board of Commissioners, who shall make application for a recommendation to the County Court to retail spirituous liquors, who shall open a house or build a shop for the purpose of retailing, within twenty feet of the several boundaries of Market square.

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#### CLERK'S FEES.

1. The Clerk to the Board of Commissioners shall be entitled to demand and receive for every certificate he may give for applicants for auctioneers, or otherwise, when the recommendation of the Board of Commissioners is required, a fee of one dollar from the applicant when he applies for the certificate.

2. The Clerk to the Board of Commissioners shall be authorized to demand and receive, from each and every person recommended by the Board for retail license, the sum of one dollar, as his fee for the same.

3. The Clerk to the Board of Commissioners shall be privileged to demand and receive the sum of twenty-five cents from each and every person of color who may be licensed to reside within the city of Raleigh, by a committee of the Board of Commissioners.

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#### AUCTIONEERS.

1. It shall be the duty of the city Collector to call the first Monday in every month on the auctioneers of the city of Raleigh, for one

per cent. on the amount of sales made by them, for the use of the city, as allowed by act of Assembly, (ch. 11, sec. 7, Rev. Statutes.) When received, he shall pay the same over to the city Treasurer, and take his receipt for the same.

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### CONTAGIOUS AND INFECTIOUS DISEASES.

1. No person, without first obtaining, for that purpose, the permission of the Intendant of Police or the Board of Commissioners, shall knowingly bring, or allow to be brought, or shall connive at the bringing into the city, any slave, servant, or other person, in his or her employment, or under his or her management or control, such slave, servant or other person being afflicted with small-pox or other mortal disease of a contagious or infectious kind; and every person offending against this ordinance shall forfeit and pay to the Commissioners of the city of Raleigh two hundred dollars, and also the whole amount of all expenses and charges which the corporation may become liable to pay, by reason of such afflicted person being brought into the city.

2. If any such afflicted person, being a freeman, shall come into the city, without permission as aforesaid, he shall, for every such offence, forfeit to the Commissioners of the city one hundred dollars.

3. The Board of Commissioners shall have power to remove from the corporate limits of the city, to the city hospital, or to any other place without the limits, any person who may be afflicted with small-pox or other mortal disease, of an infectious or contagious nature; and it shall be their duty to do so, whenever, in the judgment of the Board, such removal may be necessary to prevent the further spread of the disease.

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### DUTIES, &c., OF CITY CONSTABLES.

1. It is the duty of the city Constables to suppress all disturbances of the quiet and good order of the city of Raleigh, and to arrest all offenders against the same.

2. To see that all the laws and ordinances of the city are strictly and faithfully carried out and enforced.

3. To prevent, as far as in their power, any injury to the city property and buildings, and report to the Board any repairs needed to either.



4. To keep a strict watch to ascertain if at any shop, store or other house, other than those recommended by the Board of Commissioners of the city, ardent spirits are retailed in quantities less than one quart; and upon such fact coming to their knowledge, to report the same to this Board immediately.

5. To endeavor to ascertain if any shop-keeper or other person sells ardent spirits to slaves, or traffics, barter or otherwise trades with them, or shall visit such houses contrary to the act of 1826-'7, entitled an act to prohibit the trading with slaves except in the manner herein prescribed, and in case of a violation of said law by them, to report the same to the Intendant, or to the County Attorney for Wake.

6. To see that the Night-Watch of the city enter upon their round at the hour appointed, and in case of failure to report the fact.

7. To superintend all hands in the employ of the city in working upon the streets, &c.

8. To keep a strict watch upon the suburbs of the city, particularly on the Sabbath day, to prevent the unlawful congregation of negroes, and selling them ardent spirits on that day contrary to law.

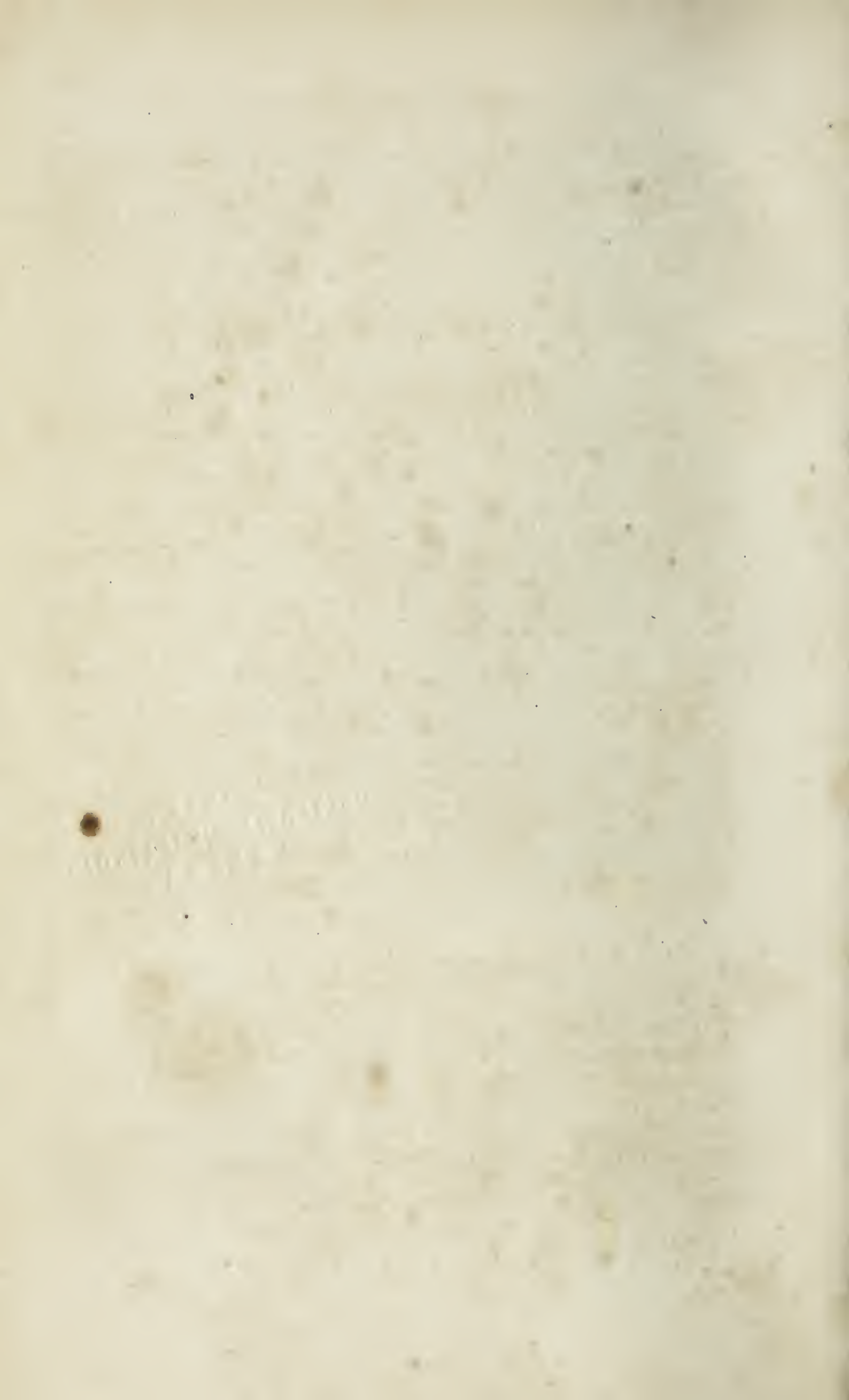
9. It shall be required of the Constables a faithful and prompt execution of the above duties, and all others pertaining to the office of Constable of the city, under such restrictions and requirements as the laws of the city and State authorise, a wilful neglect of which duties shall subject them to dismissal by the Commissioners.

10. The city Constables are directed and authorised to patrol the streets of the city of Raleigh at night, and on the Sabbath day, and to whip all blacks who may be roving about the streets without a permit from their masters, overseers or owners.

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## BOARD OF HEALTH.

1. The Medical Faculty of the city shall be appointed a Board of Health, and they are hereby so constituted, and they are respectfully requested, each one for himself, to communicate to the Intendant of Police, in writing, on the first day of each month, the number of deaths occurring in his practice in the limits of the city, within the month preceding, and the diseases of which the patients died.





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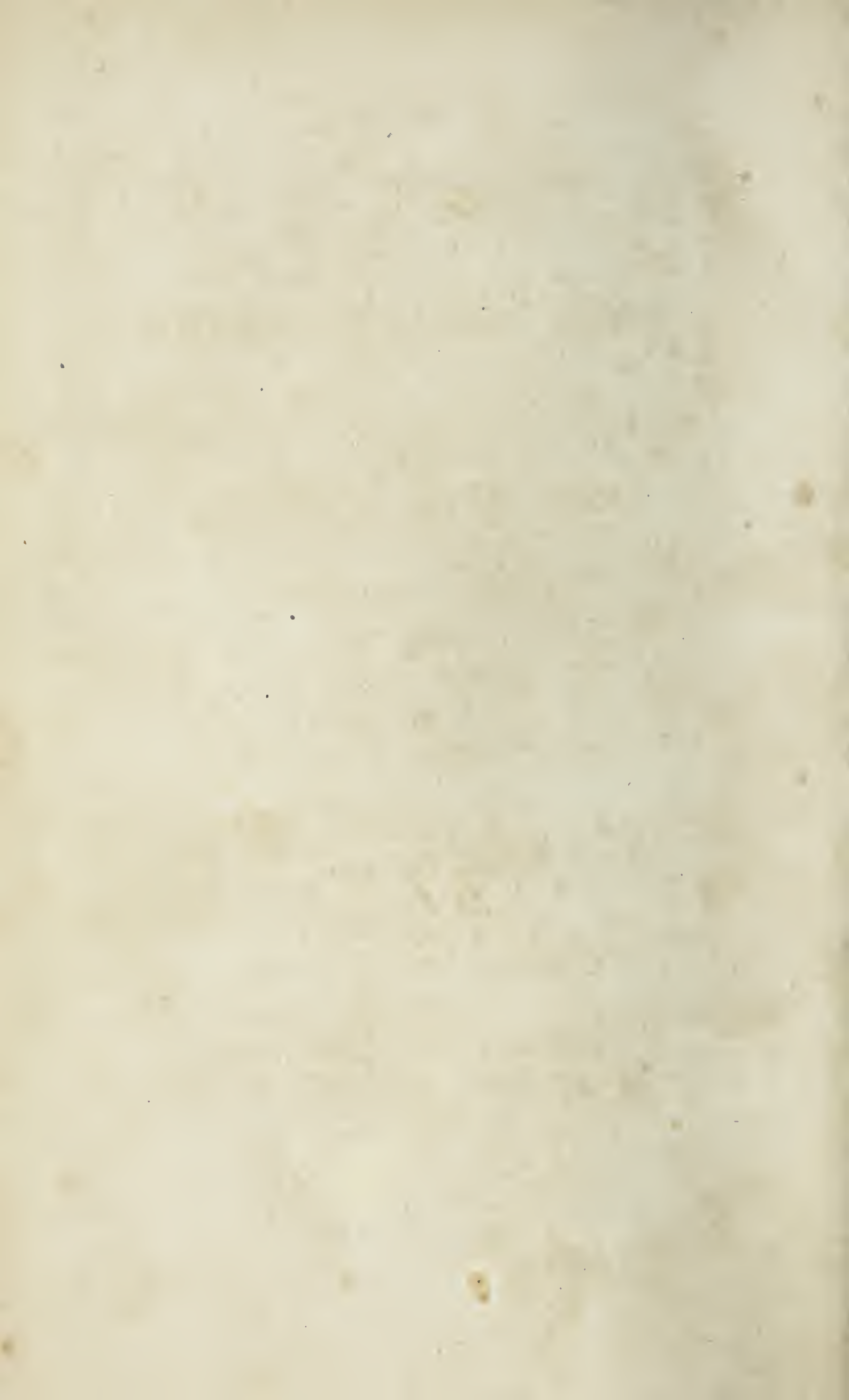
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CITY CORPORATION  
FOR 1854.

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WILLIAM DALLAS HAYWOOD,

INTENDANT OF POLICE.

COMMISSIONERS.

MIDDLE WARD.

CHARLES B. ROOT,  
SEATON GALES,  
ISAAC PROCTER.

WESTERN WARD.

ALEX. M. GORMAN,  
S. W. WHITING.

EASTERN WARD.

DR. WM. H. McKEE,  
ELDRIDGE SMITH.

CHARLES B. ROOT, TREASURER.

JNO. J. CHRISTOPHERS, CLERK.

JAMES H. MURRAY, CONSTABLE.

BRYANT MILLER, ASSISTANT CONSTABLE.













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